LEGISLATIVE ASSEMBLY
OF ONTARIO

SECOND SESSION
THIRTY-FIRST PARLIAMENT

BILLS
AS ENACTED

SESSION

FEBRUARY 21st to JUNE 23rd, 1978

AND

SEPTEMBER 13th, 1978

AND

OCTOBER 23rd to DECEMBER 15th, 1978

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SECOND SESSION, THIRTY-FIRST PARLIAMENT

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BILL 1

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Trustee Act

THE HON. R. MCMURTRY
Attorney General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 1 **1978**

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Trustee Act*, being chapter 470 of the Revised Statutes of Ontario, 1970, is amended by striking out "be" in the eleventh line and inserting in lieu thereof "by". s. 3 (1), amended

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Trustee Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 26 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Trustee Act

1st Reading

February 21st, 1978

2nd Reading

May 11th, 1978

3rd Reading

May 11th, 1978

THE HON. R. MCMURTRY
Attorney General

BILL 5

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The City of Timmins-Porcupine Act, 1972

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 5 **1978**

An Act to amend The City of Timmins-Porcupine Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The City of Timmins-Porcupine Act, 1972*, being chapter 117, is amended by adding thereto the following subsections: s. 3, amended

(4*a*) The order of the Minister, made under subsection 4, dividing the City into wards and providing for the number of members of council to be elected in the respective wards, remains in effect until altered by the Ontario Municipal Board. Wards, etc., to remain in effect until altered by O.M.B.

(4*b*) Notwithstanding the provisions of this or any other Act, upon the application of the City authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Ontario Municipal Board may, by order, Alteration of wards, etc., by O.M.B. R.S.O. 1970, c. 284

(*a*) redivide the City into wards and shall designate the name or number that each ward shall bear and shall declare the date when the redivision shall take effect;

(*b*) alter or dissolve any or all of the wards in the City and shall declare the date when such alterations or dissolutions shall take effect; or

(*c*) vary the composition of the council of the City,

provided that,

(*d*) the mayor of the City shall continue to be elected by a general vote of the electors of the City and shall be the head of the council of the City.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The City of Timmins-Porcupine Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR April 24 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The City of Timmins-Porcupine Act, 1972

1st Reading

February 28th, 1978

2nd Reading

March 30th, 1978

3rd Reading

March 30th, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 6 Pauline Leg. Leg. Ass. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Shoreline Property Assistance Act, 1973

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 6 **1978**

An Act to amend The Shoreline Property Assistance Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5, and subsection 6 as re-enacted by the Statutes of Ontario, 1974, chapter 38, section 1, of section 5 of *The Shoreline Property Assistance Act, 1973*, being chapter 22, are repealed and the following substituted therefor: s. 5 (5, 6), re-enacted

(5) The term of the debentures shall be for a period of twenty years and the debentures shall provide that the principal outstanding and interest thereon shall be payable in equal annual instalments of principal and interest as set out in the debenture, each due on the anniversary date of the debenture. Term of debentures

(6) The debentures shall provide that the municipality or district, metropolitan or regional municipality, as the case may be, may, at any time, with or without giving notice or at such times and on such notice and in accordance with such other terms and conditions as may be prescribed, pay the whole or any part of the amount of principal then outstanding on the debentures and shall not be liable thereafter to pay any interest on the amount so paid other than any interest accrued thereon to the date of such prepayment. Prepayments

(6*a*) The debentures shall provide that where the municipality or district, metropolitan or regional municipality, as the case may be, pays pursuant to subsection 6 part but not all of the amount of principal then outstanding, the equal annual instalment payable for the remainder of the term of the debenture shall be determined by the Treasurer of Ontario and set out in the Schedule to the debenture. Instalments after partial prepayment

2. Debentures issued under *The Shoreline Property Assistance Act, 1973* before this Act comes into force shall be deemed to Previously issued debentures

contain the provisions set out in subsections 6 and 6*a* of section 5 of the said Act as enacted by section 1 of this Act.

s. 14, amended

3. Section 14 of the said Act is amended by adding thereto the following clauses:

(*c*) prescribing the terms and conditions of prepayment for the purposes of subsection 6 of section 5;

(*d*) determining the rate of interest for the purposes of subsection 4 of section 5 and subsection 2 of section 9.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Shoreline Property Assistance Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 24 1979

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend The Shoreline Property Assistance Act, 1973

1st Reading

February 28th, 1978

2nd Reading

March 30th, 1978

3rd Reading

March 30th, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

1978

BILL 7 1st rdg. 2nd rdg. 3rd rdg.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise The Securities Act

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 7 **1978**

An Act to revise The Securities Act

HER MAJESTY, by and with advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act, Interpretation

1. "adviser" means a person or company engaging in or holding himself or itself out as engaging in the business of advising others as to the investing in or the buying or selling of securities;

2. "associate", where used to indicate a relationship with any person or company means,

   i. any company of which such person or company beneficially owns, directly or indirectly, voting securities carrying more than 10 per cent of the voting rights attached to all voting securities of the company for the time being outstanding,

   ii. any partner of that person or company,

   iii. any trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity,

   iv. any relative of such person, including his spouse, or of his spouse who has the same home as such person;

3. "Commission" means the Ontario Securities Commission;

4. "company" means any corporation, incorporated association, incorporated syndicate or other incorporated organization;

5. "contract" includes a trust agreement, declaration of trust or other similar instrument;

6. "contractual plan" means any contract or other arrangement for the purchase of shares or units of a mutual fund by payments over a specified period or by a specified number of payments where the amount deducted from any one of the payments as sales charges is larger than the amount that would have been deducted from such payment for sales charges if deductions had been made from each payment at a constant rate for the duration of the plan;

7. "dealer" means a person or company who trades in securities in the capacity of principal or agent;

8. "decision" means a direction, decision, order, ruling or other requirement made under a power or right conferred by this Act or the regulations;

9. "Director" means the Director or any Deputy Director of the Commission;

10. "director", where used in relation to a person, includes a person acting in a capacity similar to that of a director of a company;

11. "distribution", where used in relation to trading in securities, means,

    i. a trade in securities of an issuer that have not been previously issued,

    ii. a trade by or on behalf of an issuer in previously issued securities of that issuer that have been redeemed or purchased by or donated to that issuer,

    iii. a trade in previously issued securities of an issuer from the holdings of any person, company or combination of persons or companies holding a sufficient number of any securities of that issuer to affect materially the control of that issuer, but any holding of any person, company or combination of persons or companies holding more than 20 per cent of the outstanding voting securities of an issuer shall, in the absence of evidence to the contrary, be deemed to affect materially the control of that issuer,

iv. a trade by or on behalf of an underwriter in securities which were acquired by that underwriter, acting as underwriter, prior to the coming into force of this Act if those securities continue on the day this Act comes into force to be owned by or for that underwriter, so acting,

v. a trade by or on behalf of an underwriter in securities which were acquired by that underwriter, acting as underwriter, within eighteen months after the coming into force of this Act, if the trade takes place during that eighteen months,

and after the coming into force of subsections 4, 5, 6 and 7 of section 71, includes a distribution as therein referred to, and also includes any transaction or series of transactions involving a purchase and sale or a repurchase and resale in the course of or incidental to a distribution and "distribute", "distributed" and "distributing" have a corresponding meaning;

12. "distribution company" means a person or company distributing securities under a distribution contract;

13. "distribution contract" means a contract between a mutual fund or its trustees or other legal representative and a person or company under which that person or company is granted the right to purchase the shares or units of the mutual fund for distribution or to distribute the shares or units of the mutual fund on behalf of the mutual fund;

14. "distribution to the public", where used in relation to trading in securities, means a distribution that is made for the purpose of distributing to the public securities issued by an issuer, whether such trades are made directly or indirectly to the public through an underwriter or otherwise;

15. "form of proxy" means a written or printed form that, upon completion and execution by or on behalf of a security holder, becomes a proxy;

16. "individual" means a natural person, but does not include a partnership, unincorporated association, unincorporated syndicate, unincorporated organiza-

tion, trust, or a natural person in his capacity as trustee, executor, administrator or other legal personal representative;

17. "insider" or "insider of a reporting issuer" means,

    i. every director or senior officer of a reporting issuer,

    ii. every director or senior officer of a company that is itself an insider or subsidiary of a reporting issuer,

    iii. any person or company who beneficially owns, directly or indirectly, voting securities of a reporting issuer or who exercises control or direction over voting securities of a reporting issuer or a combination of both carrying more than 10 per cent of the voting rights attached to all voting securities of the reporting issuer for the time being outstanding other than voting securities held by the person or company as underwriter in the course of a distribution, and

    iv. a reporting issuer where it has purchased, redeemed or otherwise acquired any of its securities, for so long as it holds any of its securities;

18. "issuer" means a person or company who has outstanding, issues or proposes to issue, a security;

19. "management company" means a person or company who provides investment advice, under a management contract;

20. "management contract" means a contract under which a mutual fund is provided with investment advice, alone or together with administrative or management services, for valuable consideration;

21. "material change" where used in relation to the affairs of an issuer means a change in the business, operations or capital of the issuer that would reasonably be expected to have a significant effect on the market price or value of any of the securities of the issuer and includes a decision to implement such a change made by the board of directors of the issuer or by senior management of the issuer who believe that confirmation of the decision by the board of directors is probable;

22. "material fact" where used in relation to securities issued or proposed to be issued means a fact that significantly affects, or would reasonably be expected to have a significant effect on, the market price or value of such securities;

23. "Minister" means the Minister of Consumer and Commercial Relations or other member of the Executive Council to whom the administration of this Act may be assigned;

24. "misrepresentation" means,

    i. an untrue statement of material fact, or

    ii. an omission to state a material fact;

25. "mutual fund" includes an issuer of securities that entitle the holder to receive on demand, or within a specified period after demand, an amount computed by reference to the value of a proportionate interest in the whole or in a part of the net assets, including a separate fund or trust account, of the issuer of the securities;

26. "mutual fund in Ontario" means a mutual fund that is a reporting issuer or that is organized under the laws of Ontario, but does not include a private mutual fund;

27. "officer" means the chairman, any vice-chairman of the board of directors, the president, any vice-president, the secretary, the assistant secretary, the treasurer, the assistant treasurer, and the general manager of a company, and any other person designated an officer of a company by by-law or similar authority, or any individual acting in a similar capacity on behalf of an issuer or registrant;

28. "person" means an individual, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, trustee, executor, administrator, or other legal representative;

29. "portfolio manager" means an adviser registered for the purpose of managing the investment portfolio of clients through discretionary authority granted by the clients;

30. "portfolio securities", where used in relation to a mutual fund, means securities held or proposed to be purchased by the mutual fund;

31. "private company" means a company in whose constating document,

i. the right to transfer its shares is restricted,

ii. the number of its shareholders, exclusive of persons who are in its employment and exclusive of persons who, having been formerly in the employment of the company, were, while in that employment, and have continued after termination of that employment to be, shareholders of the company, is limited to not more than fifty, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder, and

iii. any invitation to the public to subscribe for its securities is prohibited;

32. "private mutual fund" means a mutual fund that is,

i. operated as an investment club, where,

(*a*) its shares or units are held by not more than fifty persons and its indebtedness has never been offered to the public;

(*b*) it does not pay or give any remuneration for investment advice or in respect of trades in securities, except normal brokerage fees; and

(*c*) all of its members are required to make contributions in proportion to the shares or units each holds for the purpose of financing its operations, or

ii. administered by a trust company registered under *The Loan and Trust Corporations Act* and consists of,

R.S.C. 1952, c. 148

(*a*) a pooled fund maintained solely to serve registered retirement savings plans, registered home ownership savings plans, or other savings plans registered under the *Income Tax Act* (Canada);

R.S.O. 1970, c. 254

(*b*) a common trust fund as defined by subsection 1 of section 85 of *The Loan and Trust Corporations Act*; or

(*c*) a pooled fund maintained by a trust company in which moneys belonging to various estates and trusts in its care are commingled, with the authority of the settlor, testator or trustee thereof, for the purpose of facilitating investment where no general solicitations are made with a view to the sale of participations in the pooled fund;

33. "promoter" means,

i. a person or company who, acting alone or in conjunction with one or more other persons, companies or a combination thereof, directly or indirectly, takes the initiative in founding, organizing or substantially reorganizing the business of an issuer, or

ii. a person or company who, in connection with the founding, organizing or substantial reorganizing of the business of an issuer, directly or indirectly, receives in consideration of services or property, or both services and property, 10 per cent or more of any class of securities of the issuer or 10 per cent or more of the proceeds from the sale of any class of securities of a particular issue, but a person or company who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this definition if such person or company does not otherwise take part in founding, organizing, or substantially reorganizing the business;

34. "proxy" means a completed and executed form of proxy by means of which a security holder has appointed a person or company as his nominee to attend and act for him and on his behalf at a meeting of security holders;

35. "register" means register under this Act, and "registered" has a corresponding meaning;

36. "registrant" means a person or company registered or required to be registered under this Act;

37. "regulations" means the regulations made under this Act;

38. "reporting issuer" means an issuer,

i. that has issued voting securities on or after the 1st day of May, 1967 in respect of which a prospectus was filed and a receipt therefor obtained under a predecessor of this Act or in respect of which a securities exchange take-over bid circular was filed under a predecessor of this Act,

ii. that has filed a prospectus and obtained a receipt therefor under this Act or that has filed a securities exchange take-over bid circular under this Act,

iii. any of whose securities have been at any time since the coming into force of this Act listed and posted for trading on any stock exchange in Ontario recognized by the Commission, regardless of when such listing and posting for trading commenced,

R.S.O. 1970, c. 53

iv. to which *The Business Corporations Act* applies and which, for the purposes of that Act, is offering its securities to the public, or

v. that is the company whose existence continues following the exchange of securities of a company by or for the account of such company with another company or the holders of the securities of that other company in connection with,

(*a*) a statutory amalgamation or arrangement; or

(*b*) a statutory procedure under which one company takes title to the assets of the other company that in turn loses its existence by operation of law, or under which the existing companies merge into a new company,

where one of the amalgamating or merged companies or the continuing company has been a reporting issuer for at least twelve months;

39. "salesman" means an individual who is employed by a dealer for the purpose of making trades in securities on behalf of the dealer;

40. "security" includes,

i. any document, instrument or writing commonly known as a security,

ii. any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company,

iii. any document constituting evidence of an interest in an association of legatees or heirs,

iv. any document constituting evidence of an option, subscription or other interest in or to a security,

v. any bond, debenture, note or other evidence of indebtedness, share, stock, unit, unit certificate, participation certificate, certificate of share or interest, preorganization certificate or subscription other than a contract of insurance issued by an insurance company licensed under *The Insurance Act* and an evidence of deposit issued by a bank to which the *Bank Act* (Canada) applies or by a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, R.S.O. 1970, cc. 224, 254 R.S.C. 1970, c. B-1

vi. any agreement under which the interest of the purchaser is valued for purposes of conversion or surrender by reference to the value of a proportionate interest in a specified portfolio of assets, except a contract issued by an insurance company licensed under *The Insurance Act* which provides for payment at maturity of an amount not less than three quarters of the premiums paid by the purchaser for a benefit payable at maturity,

vii. any agreement providing that money received will be repaid or treated as a subscription to shares, stock, units or interests at the option of the recipient or of any person or company,

viii. any certificate of share or interest in a trust, estate or association,

ix. any profit-sharing agreement or certificate,

x. any certificate of interest in an oil, natural gas or mining lease, claim or royalty voting trust certificate,

xi. any oil or natural gas royalties or leases or fractional or other interest therein,

xii. any collateral trust certificate,

xiii. any income or annuity contract not issued by an insurance company or an issuer within the meaning of *The Investment Contracts Act*,

R.S.O. 1970, c. 226

xiv. any investment contract, other than an investment contract within the meaning of *The Investment Contracts Act*,

xv. any document constituting evidence of an interest in a scholarship or educational plan or trust, and

xvi. any commodity futures contract or any commodity futures option that is not traded on a commodity futures exchange registered with or recognized by the Commission under *The Commodity Futures Act, 1978* or the form of which is not accepted by the Director under that Act,

1978, c. ...

whether any of the foregoing relate to an issuer or proposed issuer;

41. "senior officer" means,

i. the chairman or a vice-chairman of the board of directors, the president, a vice-president, the secretary, the treasurer or the general manager of a company or any other individual who performs functions for an issuer similar to those normally performed by an individual occupying any such office, and

ii. each of the five highest paid employees of an issuer, including any individual referred to in subparagraph i;

42. "trade" or "trading" includes,

i. any sale or disposition of a security for valuable consideration, whether the terms of

payment be on margin, instalment or otherwise, but does not include a purchase of a security or, except as provided in subparagraph iv, a transfer, pledge or encumbrance of securities for the purpose of giving collateral for a *bona fide* debt,

ii. any participation as a floor trader in any transaction in a security upon the floor of any stock exchange,

iii. any receipt by a registrant of an order to buy or sell a security,

iv. any transfer, pledge or encumbrancing of securities of an issuer from the holdings of any person or company or combination of persons or companies described in subparagraph iii of paragraph 11 for the purpose of giving collateral for a *bona fide* debt, and

v. any act, advertisement, solicitation, conduct or negotiation directly or indirectly in furtherance of any of the foregoing;

43. "underwriter" means a person or company who, as principal, agrees to purchase securities with a view to distribution or who, as agent, offers for sale or sells securities in connection with a distribution and includes a person or company who has a direct or indirect participation in any such distribution, but does not include,

i. a person or company whose interest in the transaction is limited to receiving the usual and customary distributor's or seller's commission payable by an underwriter or issuer,

ii. a mutual fund that, under the laws of the jurisdiction to which it is subject, accepts its shares or units for surrender and resells them,

iii. a company that, under the laws of the jurisdiction to which it is subject, purchases its shares and resells them, or

iv. a bank to which the *Bank Act* (Canada) applies with respect to the securities described in paragraph 1 of subsection 2 of section 34 and to such banking transactions as are designated by the regulations; R.S.C. 1970, c. B-1

44. "voting security" means any security other than a debt security of an issuer carrying a voting right

either under all circumstances or under some circumstances that have occurred and are continuing.

Affiliated companies

(2) A company shall be deemed to be an affiliate of another company if one of them is the subsidiary of the other or if both are subsidiaries of the same company or if each of them is controlled by the same person or company.

Controlled companies

(3) A company shall be deemed to be controlled by another person or company or by two or more companies if,

(*a*) voting securities of the first-mentioned company carrying more than 50 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the other person or company or by or for the benefit of the other companies; and

(*b*) the votes carried by such securities are entitled, if exercised, to elect a majority of the board of directors of the first-mentioned company.

Subsidiary companies

(4) A company shall be deemed to be a subsidiary of another company if,

(*a*) it is controlled by,

(i) that other, or

(ii) that other and one or more companies each of which is controlled by that other, or

(iii) two or more companies each of which is controlled by that other; or

(*b*) it is a subsidiary of a company that is that other's subsidiary.

Beneficial ownership of securities

(5) A person shall be deemed to own beneficially securities beneficially owned by a company controlled by him or by an affiliate of such company.

Idem

(6) A company shall be deemed to own beneficially securities beneficially owned by its affiliates.

Insider of mutual fund

(7) Every management company and every distribution company of a mutual fund that is a reporting issuer and every insider of such management company or distribution company shall be deemed to be an insider of the mutual fund.

Issuer as insider of reporting issuer

(8) Where an issuer becomes an insider of a reporting issuer, every director or senior officer of the issuer shall be deemed to have been an insider of the reporting issuer for the pre-

vious six months or for such shorter period that he was a director or senior officer of the issuer.

(9) Where a reporting issuer becomes an insider of any other reporting issuer, every director or senior officer of the second-mentioned reporting issuer shall be deemed to have been an insider of the first-mentioned reporting issuer for the previous six months or for such shorter period that he was a director or senior officer of the second-mentioned reporting issuer. R.S.O. 1970, c. 426, s. 1, *amended*. **Reporting issuer as insider of other reporting issuer**

PART I

THE COMMISSION

2.—(1) The Commission is continued and is responsible for the administration of this Act. **Commission**

(2) The Commission shall be composed of a Chairman and not more than eight other members, appointed by the Lieutenant Governor in Council, one of whom shall be designated as Vice-Chairman. **Appointment**

(3) Two members of the Commission constitute a quorum. R.S.O. 1970, c. 426, s. 2, *amended*. **Quorum**

3.—(1) The Chairman shall be the chief executive officer of the Commission and shall devote his full time to the work of the Commission, and the other members shall devote such time as may be necessary for the due performance of their duties as members of the Commission. **Chairman and members**

(2) The Chairman, Vice-Chairman or any member of the Commission may exercise the powers and shall perform such duties vested in or imposed upon the Commission by this Act or the regulations as are assigned to him by the Commission. **Delegation of powers**

(3) Where the person who exercises the powers and performs the duties vested in the Commission by sections 11 to 17 pursuant to an assignment under subsection 2, receives the report of an investigation ordered under section 11 and on the basis of such report issues an *ex parte* order or a direction that proceedings be instituted by the Commission under section 26, 69, 123 or 124 such person shall not sit on the hearing required to be held by the Commission except with the written consent of the party directly affected by the proceedings. **Eligibility to sit on hearing**

(4) Every decision made pursuant to an assignment under subsection 2 is subject to review by the Commission under **Review**

section 8 in the same manner as if it had been made by the Director, and the person who made the decision shall not sit on the hearing and review thereof by the Commission. R.S.O. 1970, c. 426, s. 3, *amended*.

PART II

FINANCIAL DISCLOSURE ADVISORY BOARD

Financial Disclosure Advisory Board

4.—(1) The Financial Disclosure Advisory Board established under *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, is continued and shall be composed of not more than five members appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may designate one of the members to be chairman.

Meetings

(2) The Financial Disclosure Advisory Board shall meet at the call of the Commission.

Duties

(3) The Financial Disclosure Advisory Board shall, when requested by the Commission, consult with and advise the Commission concerning the financial disclosure requirements of this Act and the regulations.

Remuneration

(4) The members of The Financial Disclosure Advisory Board shall serve without remuneration, but the Lieutenant Governor in Council may fix a *per diem* allowance to be payable to each member, and every member is entitled to his reasonable and necessary expenses, as certified by the chairman, for attending at meetings and transacting the business of the Board. R.S.O. 1970, c. 426, s. 146, *amended*.

PART III

APPOINTMENT OF EXPERTS

Appointment of experts

5.—(1) The Commission may appoint one or more experts to assist the Commission in such manner as it may consider expedient.

Submissions to experts

(2) The Commission may submit any agreement, prospectus, financial statement, report or other document to one or more experts appointed under subsection 1 for examination, and the Commission has the like power to summon and enforce the attendance of witnesses before the expert and to compel them to produce documents, records and

things as is vested in the Commission, and subsections 3 and 4 of section 11 apply *mutatis mutandis*.

(3) An expert appointed under subsection 1 shall be paid such amounts for services and expenses as the Lieutenant Governor in Council may determine. R.S.O. 1970, c. 426, s. 13. Payment of experts

PART IV

THE DIRECTOR

6. The Director may exercise the powers and shall perform the duties vested in or imposed upon him by this Act, and he may exercise the powers and shall perform the duties vested in or imposed upon the Commission by this Act or the regulations that are assigned to him by the Commission except those referred to in section 8 and sections 11 to 17 and, subject to the direction of the Commission, he is the chief administrative officer of the Commission. R.S.O. 1970, c. 426, s. 4. Director

7. Where, Refunds

(*a*) an application for registration or renewal of registration is abandoned; or

(*b*) a preliminary prospectus or prospectus is withdrawn,

the Director may, upon the application of the person or company who made the application or filed the preliminary prospectus or prospectus, recommend to the Treasurer of Ontario that a refund of the fee paid on the making of the application or the filing of the preliminary prospectus or prospectus or such part thereof as he considers fair and reasonable be made, and the Treasurer may make such refund from the Consolidated Revenue Fund. R.S.O. 1970, c. 426, s. 17.

PART V

ADMINISTRATIVE PROCEEDINGS, REVIEWS AND APPEALS

8.—(1) The Director shall forthwith notify the Commission of every decision refusing registration under section 25 or refusing to issue a receipt for a prospectus under section 60 and the Commission may within thirty days of the decision notify the Director and any person or company directly Notification of decision

affected of its intention to convene a hearing to review the decision. *New.*

Review of Director's decisions

(2) Any person or company directly affected by a decision of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the decision, request and be entitled to a hearing and review thereof by the Commission.

Power on review

(3) Upon a hearing and review, the Commission may by order confirm the decision under review or make such other decision as the Commission considers proper. R.S.O. 1970, c. 426, s. 28; 1971, c. 31, s. 5.

Stay

(4) Notwithstanding that a person or company requests a hearing and review under subsection 2 of this section or subsection 4 of section 3, the decision under review takes effect immediately, but the Commission may grant a stay until disposition of the hearing and review. 1973, c. 11, s. 1.

Appeal

9.—(1) Any person or company directly affected by a decision of the Commission, other than a decision under section 73, may appeal to the Supreme Court.

Stay

(2) Notwithstanding that an appeal is taken under this section, the decision appealed from takes effect immediately, but the Commission or the Divisional Court may grant a stay until disposition of the appeal.

Certification of documents

(3) The Secretary shall certify to the Registrar of the Supreme Court,

(*a*) the decision that has been reviewed by the Commission;

(*b*) the decision of the Commission, together with any statement of reasons therefor;

(*c*) the record of the proceedings before the Commission; and

(*d*) all written submissions to the Commission or other material that is relevant to the appeal.

Minister entitled to appear

(4) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

(5) Where an appeal is taken under this section, the court may by its order direct the Commission to make such decision or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Commission shall make such decision or do such act accordingly. **Powers of court on appeal**

(6) Notwithstanding an order of the court on an appeal, the Commission may make any further decision upon new material or where there is a significant change in the circumstances, and every such decision is subject to this section. 1973, c. 11, s. 2, *amended*. **Further decisions**

10.—(1) There shall be a Secretary to the Commission who may, **Secretary**

(*a*) accept service of all notices or other documents on behalf of the Commission;

(*b*) when authorized by the Commission, sign any decision made by the Commission as a result of a hearing;

(*c*) certify under his hand any decision made by the Commission or any document, record or thing used in connection with any hearing by the Commission where certification is required for a purpose other than that stated in subsection 3 of section 9; and

(*d*) exercise such other powers as are vested in him by this Act or the regulations and perform such other duties as are imposed upon him by this Act or the regulations or by the Commission.

(2) Where the Secretary is absent for any reason, the Commission may designate another individual to act in the capacity of Secretary and the individual designated may exercise all the powers vested in the Secretary by this Act or the regulations. **Acting Secretary**

(3) A certificate purporting to be signed by the Secretary is, without proof of the office or signature certifying, admissible in evidence, so far as is relevant, for all purposes in any action, proceeding or prosecution. *New*. **Certification by Secretary**

PART VI

INVESTIGATIONS

Investigation order

11.—(1) Where upon a statement made under oath it appears probable to the Commission that any person or company has,

(*a*) contravened any of the provisions of this Act or the regulations; or

(*b*) committed an offence under the *Criminal Code* (Canada) in connection with a trade in securities,

the Commission may, by order, appoint any person to make such investigation as it deems expedient for the due administration of this Act, and in the order shall determine and prescribe the scope of the investigation.

Investigation order

(2) The Commission may, by order, appoint any person to make such investigation as it deems expedient for the due administration of this Act or into any matter relating to trading in securities, and in such order shall determine and prescribe the scope of the investigation.

Scope of investigation

(3) For the purposes of any investigation ordered under this section, the person appointed to make the investigation may investigate, inquire into and examine,

(*a*) the affairs of the person or company in respect of whom the investigation is being made and any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with the person or company and any property, assets or things owned, acquired or alienated in whole or in part by the person or company or by any person or company acting on behalf of or as agent for the person or company; and

(*b*) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the financial or other conditions at any time prevailing in or in relation to or in connection with the person or company and the relationship that may at any time exist or have existed between the person or company and any other person or company by reason of investments, commissions

promised, secured or paid, interests held or acquired, the loaning or borrowing of money, stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship.

Powers to summon witnesses and require production

(4) The person making an investigation under this section has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things, as is vested in the Supreme Court for the trial of civil actions, and the failure or refusal of a person to attend, to answer questions or to produce such documents, records and things as are in his custody or possession makes the person liable to be committed for contempt by a judge of the Supreme Court as if in breach of an order or judgment of the Supreme Court provided that no provision of *The Evidence Act* exempts any bank or any officer or employee thereof from the operation of this section.

R.S.O. 1970, c. 151

Counsel

(5) A person giving evidence at an investigation under this section may be represented by counsel.

Seizure of property

(6) Where an investigation is ordered under this section, the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the person or company whose affairs are being investigated.

Inspection of seized documents

(7) Where any documents, records, securities or other property are seized under subsection 6, the documents, records, securities or other property shall be made available for inspection and copying by the person or company from whom seized at a mutally convenient time and place if a request for an opportunity to inspect or copy is made by the person or company to the person appointed to make the investigation.

Accountants and experts

(8) Where an investigation is ordered under this section, the Commission may appoint an accountant or other expert to examine documents, records, properties and matters of the person or company whose affairs are being investigated. R.S.O. 1970, c. 426, s. 21 (1-8).

Report of investigation

(9) Every person appointed under subsection 1, 2 or 8 shall provide the Commission with a full and complete report of the investigation including any transcript of evidence and material in his possession relating to the investigation. R.S.O. 1970, c. 426, s. 21 (9), *amended*.

Report to Minister

12. Where upon the report of an investigation made under section 11 it appears to the Commission that any person or company may have,

(*a*) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970, c. C-34

(*b*) committed an offence under the *Criminal Code* (Canada) in connection with a transaction relating to securities,

the Commission shall send a full and complete report of the investigation, including the report made to it, any transcript of evidence and any material in the possession of the Commission relating thereto, to the Minister. R.S.O. 1970, c. 426, s. 22.

Investigation by order of Minister

13. Notwithstanding section 11, the Minister may, by order, appoint any person to make such investigation as the Minister considers expedient for the due administration of this Act or into any matter relating to trading in securities, in which case the person so appointed, for the purposes of the investigation, has the same authority, powers, rights, and privileges as a person appointed under section 11. R.S.O. 1970, c. 426, s. 23.

Evidence not to be disclosed

14. No person, without the consent of the Commission, shall disclose, except to his counsel, any information or evidence obtained or the name of any witness examined or sought to be examined under section 11 or 13.

Report to Minister

15. Where an investigation has been made under section 11, the Commission may, and, where an investigation has been made under section 13, the person making the investigation shall report the result thereof, including the evidence, findings, comments and recommendations, to the Minister, and the Minister may cause the report to be published in whole or in part in such manner as he considers proper. R.S.O. 1970, c. 426, s. 25.

Order to freeze property

16.—(1) The Commission may,

(*a*) where it is about to order an investigation in respect of a person or company under section 11 or during or after an investigation in respect of a person or company under section 11 or 13;

(*b*) where it is about to make or has made an order under section 123 that trading in securities of an issuer shall cease;

(*c*) where it is about to make or has made a decision suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or

(*d*) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by the person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b*, *c* or *d* to hold such funds or securities or direct the person or company referred to in clause *a*, *b*, *c* or *d* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, the *Winding-up Act* (Canada) or section 17 of this Act, or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction.

R.S.C. 1970, cc. B-3, W-10, R.S.O. 1970, cc. 228, 89, 53

Application for directions

(2) Any person or company named in a direction issued under subsection 1 may, if in doubt as to the application of the direction to particular funds or securities, apply to the Commission for an order of clarification. R.S.O. 1970, c. 426, s. 26 (1, 2), *amended*.

Revocation or amendment of direction

(3) Upon the application of a person or company directly affected by a direction issued under subsection 1, the Commission may make an order on such terms and conditions it may impose revoking the direction or consenting to the release of any fund or security. *New*.

Notice to land registry offices

(4) In any of the circumstances mentioned in clause *a*, *b*, *c*, or *d* of subsection 1, the Commission may in writing or by telegram notify any land registrar or mining recorder that proceedings are being or are about to be taken that may affect land or mining claims belonging to the person or company referred to in the notice, which notice shall be registered or recorded against the lands or claims mentioned therein and has the same effect as the registration or recording of a certificate of *lis pendens* or a caution, and the Commission may in writing revoke or modify the notice. R.S.O. 1970, c. 426, s. 26 (3), *amended*.

Appointment of receiver, etc.

17.—(1) The Commission may,

(*a*) where it is about to order an investigation in respect of a person or company under section 11 or during or after an investigation in respect of a person or company under section 11 or 13;

(*b*) where it is about to make or has made an order under section 123 that trading in securities of an issuer shall cease;

(*c*) where it is about to make or has made a decision suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities;

(*d*) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company that in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by the person or company; or

(*e*) where a person or company fails or neglects to comply with the minimum net asset requirements, investment restrictions, ownership restrictions, or capital requirements prescribed by the regulations for the person or company,

apply to a judge of the Supreme Court for the appointment of a receiver, receiver and manager, trustee or liquidator of the property of the person or company.

Appointment

(2) Upon an application under subsection 1, the judge may, where he is satisfied that the appointment of a receiver, receiver and manager, trustee or liquidator of all or any part of the property of any person or company is in the best interests of the creditors of the person or company or

of persons or companies any of whose property is in the possession or under the control of the person or company, or, in a proper case, of the security holders of or subscribers to the person or company, appoint a receiver, receiver and manager, trustee or liquidator of the property of the person or company. R.S.O. 1970, c. 426, s. 27 (1, 2), *amended*.

Ex parte application

(3) Upon an *ex parte* application made by the Commission under this section, the judge may make an order under subsection 2 appointing a receiver, receiver and manager, trustee or liquidator for a period not exceeding fifteen days. R.S.O. 1970, c. 426, s. 27 (3), *amended*.

Powers of receiver, etc.

(4) A receiver, receiver and manager, trustee or liquidator of the property of any person or company appointed under this section shall be the receiver, receiver and manager, trustee or liquidator of all or any part of the property belonging to the person or company or held by the person or company on behalf of or in trust for any other person or company, and the receiver, receiver and manager, trustee or liquidator shall have authority, if so directed by the judge, to wind up or manage the business and affairs of the person or company and all powers necessary or incidental thereto.

Enforcement of order

(5) An order made under this section may be enforced in the same manner as any order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice.

Rules of practice

(6) Upon an application made under this section, the rules of practice of the Supreme Court apply. R.S.O. 1970, c. 426, s. 27 (4-6), *amended*.

PART VII

AUDITS

Audits by Commission

18.—(1) Notwithstanding anything in sections 19, 20 and 21, the Commission may in writing appoint any person to examine at any time,

(*a*) the financial affairs of a registrant or a reporting issuer; and

(*b*) the books and records of a custodian of assets of a mutual fund or of a custodian of shares or units of a mutual fund under a custodial agreement or other arrangement with a person or company engaged in the distribution of shares or units of the mutual fund,

and prepare such financial or other statements and reports that may be required by the Commission.

Access to records

(2) The person making an examination under this section may inquire into and examine all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person or company whose financial affairs are being examined, and no person or company shall withhold, destroy, conceal or refuse to give any information or thing reasonably required for the purpose of the examination.

Fees

(3) The Commission may charge such fees as may be prescribed by the regulations for any examination made under this section. R.S.O. 1970, c. 426, s. 33, *amended*.

PART VIII

SELF-REGULATION—GENERALLY

Panel of auditors

19. Every stock exchange in Ontario recognized by the Commission, the Ontario District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario, shall,

(*a*) select a panel of auditors, each of whom shall have practised as such in Canada for not fewer than five years and shall be known as a panel auditor or members' auditor; and

(*b*) employ an exchange auditor, district association auditor or association auditor, as the case may be, whose appointment is subject to the approval of the Commission, and the appointee shall be an auditor who has practised as such in Canada for not fewer than ten years. R.S.O. 1970, c. 426, s. 30, *amended*.

Audits by stock exchange and associations

20.—(1) Every stock exchange in Ontario recognized by the Commission, the Ontario District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario shall cause each member of such class or classes of their members as the Commission may designate in writing to appoint an auditor from the panel of auditors selected under clause *a* of section 19 and such auditor shall make the examination of the financial affairs of such member as called for by the by-laws, rules or regulations applicable to members of such class or classes and shall report thereon to the exchange auditor, district association auditor or association auditor, as the case may be.

(2) The by-laws, rules and regulations of every stock exchange in Ontario recognized by the Commission, the rules and regulations of the Ontario District of the Investment Dealers' Association of Canada and the regulations of the Broker-Dealers' Association of Ontario in respect of the practice and procedure of the examinations under subsection 1 are subject to the approval of the Commission and the actual conduct of the examinations shall be satisfactory to the Commission. R.S.O. 1970, c. 426, s. 31. **Audit by-laws subject to approval**

21. Every registrant whose financial affairs are not subject to examination under section 20 shall keep such books and records as are necessary for the proper recording of his business transactions and financial affairs and shall deliver to the Commission annually and at such other time or times as the Commission may require a financial statement satisfactory to the Commission as to his financial position, certified by the registrant or an officer or partner of the registrant and reported upon by the auditor of the registrant, and shall deliver to the Commission such other information as the Commission may require in such form as it may prescribe. R.S.O. 1970, c. 426, s. 32. **Filing of financial statements of registrants**

PART IX

STOCK EXCHANGES

22.—(1) No person or company shall carry on business as a stock exchange in Ontario unless such stock exchange is recognized in writing as such by the Commission. **Stock exchanges**

(2) The Commission may, where it appears to it to be in the public interest, make any decision, **Commission's powers**

(*a*) with respect to the manner in which any stock exchange in Ontario carries on business;

(*b*) with respect to any by-law, ruling, instruction, or regulation of any such stock exchange;

(*c*) with respect to trading on or through the facilities of any such stock exchange or with respect to any security listed and posted for trading on any such stock exchange; or

(*d*) to ensure that issuers whose securities are listed and posted for trading on any such stock exchange comply with this Act and the regulations.

Review of decisions of stock exchange

(3) Any person or company directly affected by any direction, order or decision made under any by-law, rule or regulation of a stock exchange in Ontario may apply to the Commission for a hearing and review thereof and section 8 applies to the hearing and review in the same manner as to the hearing and review of a decision of the Director. R.S.O. 1970, c. 426, s. 140.

Record of transactions

23. Every stock exchange in Ontario shall keep a record showing the time at which each transaction on such stock exchange took place and shall supply to any customer of any member of such stock exchange, upon production of a written confirmation of any transaction with such member, particulars of the time at which the transaction took place and verification or otherwise of the matters set forth in the confirmation. R.S.O. 1970, c. 426, s. 141.

PART X

REGISTRATION

Registration for trading

24.—(1) No person or company shall,

(*a*) trade in a security unless the person or company is registered as a dealer, or is registered as a salesman or as a partner or as an officer of a registered dealer and is acting on behalf of the dealer;

(*b*) act as an underwriter unless the person or company is registered as an underwriter; or

(*c*) act as an adviser unless the person or company is registered as an adviser, or is registered as a partner or as an officer of a registered adviser and is acting on behalf of the adviser,

and the registration has been made in accordance with this Act and the regulations and the person or company has received written notice of the registration from the Director and, where the registration is subject to terms and conditions, the person or company complies with such terms and conditions. R.S.O. 1970, c. 426, s. 6 (1), *amended*.

Termination re salesman

(2) The termination of the employment of a salesman with a registered dealer shall operate as a suspension of the registration of the salesman until notice in writing has been received by the Director from another registered dealer of the employment of the salesman by the other registered dealer and the reinstatement of the registration has been approved by the Director.

(3) The Director may designate as non-trading any employee or class of employees of a registered dealer that does not usually sell securities, but the designation may be cancelled as to any employee or class of employees where the Director is satisfied that any such employee or any member of such class of employees should be required to apply for registration as a salesman. R.S.O. 1970, c. 426, s. 6 (4, 5). Non-trading employee

25.—(1) The Director shall grant registration, renewal of registration, reinstatement of registration or amendment to registration to an applicant where in the opinion of the Director the applicant is suitable for registration and the proposed registration or amendment to registration is not objectionable. R.S.O. 1970, c. 426, s. 7 (1), *amended.* Granting of registration

(2) The Director may in his discretion restrict a registration by imposing terms and conditions thereon and, without limiting the generality of the foregoing, may restrict the duration of a registration and may restrict the registration to trades in certain securities or a certain class of securities. R.S.O. 1970, c. 426, s. 7 (3). Terms and conditions

(3) The Director shall not refuse to grant, renew, reinstate or amend registration or impose terms and conditions thereon without giving the applicant an opportunity to be heard. R.S.O. 1970, c. 426, s. 7 (2). Refusal

26.—(1) The Commission, after giving a registrant an opportunity to be heard, may suspend, cancel, restrict or impose terms and conditions upon the registration or reprimand the registrant where in its opinion such action is in the public interest. Suspension, cancellation, etc.

(2) Where the delay necessary for a hearing under subsection 1 would, in the opinion of the Commission, be prejudicial to the public interest, the Commission may suspend the registration without giving the registrant an opportunity to be heard, in which case it shall forthwith notify the registrant of the suspension and of a hearing and review to be held before the Commission within fifteen days of the date of the suspension, which hearing and review shall be deemed to be a hearing and review under section 8. R.S.O. 1970, c. 426, s. 8, *amended.* Interim suspension

(3) Notwithstanding subsection 1, the Commission may, upon an application by a registrant, accept, subject to such terms and conditions as it may impose, the voluntary surrender of the registration of the registrant where it is satisfied the financial obligations of the registrant to its clients have been discharged and the surrender of the registration would not be prejudicial to the public interest. *New.* Surrender

Subsequent applications

27. A further application for registration may be made upon new or other material or where it is clear that material circumstances have changed. R.S.O. 1970, c. 426, s. 9.

Application

28. An application for registration shall be made in writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such fee as may be prescribed by the regulations. R.S.O. 1970, c. 426, s. 10.

Address for service

29. Every applicant shall state in the application an address for service in Ontario and, except as otherwise provided in this Act, all notices under this Act or the regulations are sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated. R.S.O. 1970, c. 426, s. 11.

Further information

30. The Director may require any further information or material to be submitted by an applicant or a registrant within a specified time and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require the applicant or the registrant or any partner, officer, director, governor or trustee of, or any person performing a like function for, or any employee of, the applicant or of the registrant to submit to examination under oath by a person designated by the Director. R.S.O. 1970, c. 426, s. 12, *amended*.

Residence

31.—(1) The Director may refuse registration to an individual if he has not been a resident of Canada for at least one year immediately prior to the date of application for registration or if he is not a resident of Ontario at the date of the application unless at the time of the application the individual is registered in a capacity corresponding to that of a dealer, adviser, underwriter, partner, officer, or salesman under the securities laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration.

Idem

(2) The Director may refuse registration to a person or company if any director or officer of the person or company has not been a resident of Canada for at least one year immediately prior to the date of application for registration or is not a resident of Ontario at the date of the application unless at the time of the application he

is registered in a capacity corresponding to that of a dealer, adviser, underwriter, partner, officer or salesman under the securities laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration. R.S.O. 1970, c. 426, s. 14, *amended*.

Notice of changes

32.—(1) Subject to the regulations, every registered dealer shall, within five business days of the event, notify the Director in the form prescribed by the regulations of,

(*a*) any change in address for service in Ontario or any business address;

(*b*) (i) any change in the directors or officers of the registered dealer and in the case of resignation, dismissal, severance or termination of employment or office, the reason therefor, and

(ii) any change in the holders of the voting securities of the registered dealer;

(*c*) the commencement and termination of employment of every registered salesman and, in the case of termination of employment, the reason therefor;

(*d*) the opening or closing of any branch office in Ontario and, in the case of the opening of any branch office in Ontario, the name and address of the person in charge thereof; and

(*e*) any change in the name or address of the person in charge of any branch office in Ontario.

Idem

(2) Subject to the regulations, every registered adviser and underwriter shall, within five business days of the event, notify the Director in the form prescribed by the regulations of,

(*a*) any change in address for service in Ontario or any business address; and

(*b*) (i) any change in the directors or officers of the registered adviser or underwriter and in the case of resignation, dismissal, severance or termination of employment or office, the reason therefor, and

(ii) any change in the holders of the voting securities of the registered adviser or underwriter.

Idem

(3) Every registered salesman shall, within five business days of the event, notify the Director in the form prescribed by the regulations of,

(*a*) any change in his address for service in Ontario or in his business address; and

(*b*) every commencement and termination of his employment by a registered dealer.

Exemptions

(4) The Director may, upon an application of a registrant that is a reporting issuer, exempt, subject to such terms and conditions as he may impose, the registrant from the requirement of subsections 1 and 2 that the Director be notified of any change in the holders of voting securities of the registrant where in his opinion it would not be prejudicial to the public interest to do so. R.S.O. 1970, c. 426, s. 15, *amended*.

PART XI

EXEMPTIONS FROM REGISTRATION REQUIREMENTS

Exemptions of advisers

33. Registration as an adviser is not required to be obtained by,

R.S.C. 1970, c. B-1, 1974-75, c. 14 (Can.)

R.S.O. 1970, cc. 254, 224

(*a*) a bank to which the *Bank Act* (Canada) applies, or the Federal Business Development Bank incorporated under the *Federal Business Development Bank Act* (Canada), or a trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*;

(*b*) a lawyer, accountant, engineer or teacher;

(*c*) a registered dealer, or any partner, officer or employee thereof; and

(*d*) a publisher of or any writer for any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an adviser only through such publication and has no interest either directly or indirectly in any of the securities upon which the advice is given and receives no commission or other consideration for giving the advice,

where the performance of the service as an adviser is solely incidental to their principal business or occupation; or

(*e*) such other persons or companies as are designated by the regulations. R.S.O. 1970, c. 426, s. 18, *amended*.

34.—(1) Subject to the regulations, registration is not required in respect of the following trades: Exemption of trades

1. A trade by an executor, administrator, guardian or committee or by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada) or by a receiver under *The Judicature Act* or by a liquidator under *The Corporations Act*, *The Business Corporations Act*, or the *Winding-up Act* (Canada), or at a judicial sale. R.S.C. 1970, cc. B-3, W-10 R.S.O. 1970, cc. 228, 89, 53

2. An isolated trade in a specific security by or on behalf of an owner or issuer, for the owner's or issuer's account, where the trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities.

3. A trade where the party purchasing as principal, but not as underwriter, is,

   i. a bank to which the *Bank Act* (Canada) applies, or the Federal Business Development Bank incorporated under the *Federal Business Development Bank Act* (Canada), R.S.C. 1970, c. B-1, 1974-75, c. 14 (Can.)

   ii. a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, R.S.O. 1970, c. 254

   iii. an insurance company licensed under *The Insurance Act*, R.S.O. 1970, c. 224

   iv. Her Majesty in right of Canada or any province or territory of Canada, or

   v. any municipal corporation or public board or commission in Canada.

4. A trade where the party purchasing as principal is a company or a person, other than an individual, and is recognized by the Commission as an exempt purchaser.

5. A trade where the purchaser purchases as principal, if the trade is in a security which has an aggregate

acquisition cost to such purchaser of not less than $97,000.

6. A trade from the holdings of any person, company or combination of persons or companies described in subparagraph iii of paragraph 11 of subsection 1 of section 1 for the purpose of giving collateral for a *bona fide* debt.

7. A trade by or for the account of a pledgee, mortgagee or other encumbrancer for the purpose of liquidating a *bona fide* debt by selling or offering for sale a security pledged, mortgaged or otherwise encumbered in good faith as collateral for the debt.

8. A trade in a security that may occasionally be transacted by employees of a registered dealer where the employees do not usually sell securities and have been designated by the Director as non-trading employees, either individually or as a class.

9. A trade between a person or company and an underwriter acting as purchaser or between or among underwriters.

10. A trade in a security by a person or company acting solely through an agent who is a registered dealer.

11. The execution of an unsolicited order to purchase or sell through a registered dealer by a bank to which the *Bank Act* (Canada) applies or a trust company registered under *The Loan and Trust Corporations Act* as agent for a person or company and the trade by such person or company in placing the unsolicited order with the bank or trust company.

R.S.C. 1970, c. B-1
R.S.O. 1970, c. 254

12. A trade by an issuer,

    i. in a security of its own issue that is distributed by it to holders of its securities as a stock dividend or other distribution out of earnings or surplus,

    ii. in a security whether of its own issue or not that is distributed by it to holders of its securities as incidental to a *bona fide* reorganization or winding up of the issuer or distribution of its assets for the purpose of winding up its affairs pursuant to the laws

of the jurisdiction in which the issuer was incorporated, organized or continued,

iii. in securities of its own issue transferred or issued through the exercise of a right to purchase, convert or exchange previously granted by the issuer,

provided that no commission or other remuneration is paid or given to others in respect of such distribution except for ministerial or professional services or for services performed by a registered dealer.

13. A trade by an issuer in a security of a reporting issuer held by it that is distributed by it to holders of its securities as a dividend in specie.

14. A trade by an issuer,

i. in a right, transferable or otherwise granted by the issuer to holders of its securities to purchase additional securities of its own issue and the issue of securities pursuant to the exercise of the right, or

ii. in securities of a reporting issuer held by it transferred or issued through the exercise of a right to purchase, convert or exchange previously granted by the issuer,

if the issuer has given the Commission written notice stating the date, amount, nature and conditions of the proposed trade, including the approximate net proceeds to be derived by the issuer on the basis of such additional securities being fully taken up and paid for, and either,

iii. the Commission has not informed the issuer in writing within ten days of the giving of the notice that it objects to the proposed trade, or

iv. the issuer has delivered to the Commission information relating to the securities that is satisfactory to and accepted by the Commission.

15. A trade in a security of a company that is exchanged by or for the account of the company with another company or the holders of the securities of that other company in connection with,

i. a statutory amalgamation or arrangement, or

ii. a statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge into a new company.

16. A trade in a security of an issuer that is exchanged by or for the account of the issuer with the security holders of another issuer in connection with a take-over bid as defined in Part XIX.

17. A trade in a security of an issuer in connection with a take-over bid exempted from the requirements of Part XIX by subsection 2 of section 88 or by the Commission under section 99.

18. A trade by an issuer in a security of its own issue as consideration for a portion or all of the assets of any person or company, if the fair value of the assets so purchased is not less than $100,000.

19. A trade by an issuer in the securities of its own issue with its employees or the employees of an affiliate who are not induced to purchase by expectation of employment or continued employment.

20. A trade by an issuer in securities of its own issue where the trade is reasonably necessary to facilitate the incorporation or organization of the issuer and the securities are traded for a nominal consideration to not more than five incorporators or organizers unless the statute under which the issuer is incorporated or organized requires the trade to be for a greater consideration or to a larger number of incorporators or organizers, in which case the securities may be traded for that greater consideration or to that larger number of incorporators or organizers.

21. A trade made by an issuer with a view to the sale of securities of its own issue if solicitations are made to not more than fifty prospective purchasers resulting in sales to not more than twenty-five purchasers and,

i. each purchaser purchases as principal, and all of the purchases are completed within a period of six months of the first purchase, except that subsequent sales to the same pur-

chasers may be carried out if made in compliance with written agreements entered into during that six month period,

ii. each purchaser has access to substantially the same information concerning the issuer that a prospectus filed under this Act would provide and is,

(*a*) an investor who, by virtue of his net worth and investment experience or by virtue of consultation with or advice from a person or company who is not a promoter of the issuer whose securities are being offered and who is a registered adviser or a registered dealer, is able to evaluate the prospective investment on the basis of information respecting the investment presented to him by the issuer; or

(*b*) a senior officer or director of the issuer or his spouse, parent, brother, sister or child,

iii. the offer and sale of the securities are not accompanied by an advertisement and no selling or promotional expenses have been paid or incurred in connection therewith, except for professional services or for services performed by a registered dealer, and

iv. no promoter of the issuer, other than a registered dealer, has acted as a promoter of any other issuer which has traded in securities of its own issue pursuant to the exemption in this paragraph within the previous twelve months,

but an issuer which has relied upon this exemption may not again thereafter rely upon this exemption.

22. A trade in a commodity futures option or a commodity futures contract by a hedger through a dealer, within the meaning of *The Commodity Futures Act, 1978*. 1978, c. ...

23. A trade in respect of which the regulations provide that registration is not required.

(2) Subject to the regulations, registration is not required to trade in the following securities: Exemption re securities

1. Bonds, debentures or other evidences of indebtedness,

   (*a*) of or guaranteed by the Government of Canada or any province of Canada or by the Government of the United Kingdom or any foreign country or any political division thereof;

   (*b*) of any municipal corporation in Canada, including debentures issued for public, separate, secondary or vocational school purposes, or guaranteed by any municipal corporation in Canada, or secured by or payable out of rates or taxes levied under the law of any province of Canada on property in such province and collectable by or through the municipality in which such property is situated;

   (*c*) of or guaranteed by a bank to which the *Bank Act* (Canada) applies, a trust company or loan corporation registered under *The Loan and Trust Corporations Act* or an insurance company licensed under *The Insurance Act*;

R.S.C. 1970, c. B-1
R.S.O. 1970, cc. 254, 224

   (*d*) of or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreements Act* (Canada), if the bonds, debentures, or evidences of indebtedness are payable in the currency of Canada or the United States of America; or

R.S.C. 1970, c. B-9

   (*e*) of or guaranteed by the Asian Development Bank or the Inter-American Development Bank, if the bonds, debentures or evidences of indebtedness are payable in the currency of Canada or the United States of America and if, with respect to such securities, such documents, certificates, reports, releases, statements, agreements or other information as may be required by the Commission are filed.

2. Certificates or receipts issued by a trust company registered under *The Loan and Trust Corporations Act* for moneys received for guaranteed investment.

3. Securities issued by a private mutual fund.

4. Negotiable promissory notes or commercial paper maturing not more than one year from the date of issue, provided that each such note or commercial paper traded to an individual has a denomination or principal amount of not less than $50,000.

5. Mortgages or other encumbrances upon real or personal property, other than mortgages or other encumbrances contained in or secured by a bond, debenture or similar obligation or in a trust deed or other instrument to secure bonds or debentures or similar obligations, if such mortgages or other encumbrances are offered for sale by a person or company registered or exempted from registration under *The Mortgage Brokers Act*. R.S.O. 1970, c. 278

6. Securities evidencing indebtedness due under any conditional sales contract or other title retention contract providing for the acquisition of personal property if such securities are not offered for sale to an individual.

7. Securities issued by an issuer organized exclusively for educational, benevolent, fraternal, charitable, religious or recreational purposes and not for profit, where no part of the net earnings of such issuer enure to the benefit of any security holder and no commission or other remuneration is paid in connection with the sale thereof.

8. Securities issued by corporations to which *The Co-operative Corporations Act, 1973* applies. 1973, c. 101

9. Shares of a credit union within the meaning of *The Credit Unions and Caisses Populaires Act, 1976*. 1976, c. 62

10. Securities of a private company where they are not offered for sale to the public.

11. Securities issued and sold by a prospector for the purpose of financing a prospecting expedition.

12. Securities issued by a prospecting syndicate that has filed a prospecting syndicate agreement under Part XIII for which the Director has issued a receipt, where the securities are sold by the prospector or one of the prospectors who staked claims that belong to or are the subject of a declaration of trust in favour of the prospecting syndicate, and the prospector delivers a copy of the prospecting syndicate agreement to the person or company purchasing the security before accepting payment therefor.

13. Securities issued by a prospecting syndicate that has filed a prospecting syndicate agreement under Part XIII for which the Director has issued a receipt, if the securities are not offered for sale to the public and are sold to not more than fifty persons or companies.

14. Securities issued by a mining company or a mining exploration company as consideration for mining claims where the vendor enters into such escrow or pooling agreement as the Director considers necessary.

15. Securities in respect of which the regulations provide that registration is not required. R.S.O. 1970, c. 426, s. 19 (1, 2); 1971, c. 31, s. 3, *amended*.

Trades by trust company R.S.O. 1970, c. 254

(3) For the purpose of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee or as agent for accounts fully managed by it. *New*.

PART XII

TRADING IN SECURITIES GENERALLY

Confirmation of trade

35.—(1) Every registered dealer who has acted as principal or agent in connection with any trade in a security shall promptly send by prepaid mail or deliver to the customer a written confirmation of the transaction, setting forth,

(*a*) the quantity and description of the security;

(*b*) the consideration;

(*c*) whether or not the registered dealer is acting as principal or agent;

(*d*) if acting as agent in a trade, the name of the person or company from or to or through whom the security was bought or sold;

(*e*) the date and the name of the stock exchange, if any, upon which the transaction took place;

(*f*) the commission, if any, charged in respect of the trade; and

(*g*) the name of the salesman, if any, in the transaction. R.S.O. 1970, c. 426, s. 67 (1).

(2) Where a trade is made in a security of a mutual fund, the confirmation shall contain, in addition to the requirements of subsection 1, Idem

(*a*) the price per share or unit at which the trade was effected; and

(*b*) the amount deducted by way of sales, service and other charges.

(3) Subject to the regulations, where a trade is made in a security of a mutual fund under a contractual plan, the confirmation shall contain in addition to the requirements of subsections 1 and 2, Idem

(*a*) in respect of an initial payment made under a contractual plan which requires the prepayment of sales, service and other charges, a statement of the initial payment and the portion of the sales, service and other charges that is allocated to subsequent investments in the mutual fund and the manner of allocation thereof;

(*b*) in respect of each subsequent payment made under a contractual plan which requires the prepayment of sales, service and other charges, a statement of the portion of the sales, service and other charges, that is allocated to the payment which is the subject of the confirmation;

(*c*) in respect of an initial purchase made under a contractual plan which permits the deduction of sales, service and other charges from the first and subsequent instalments, a brief statement of the sales, service and other charges to be deducted from subsequent purchases;

(*d*) in respect of each purchase made under a contractual plan, a statement of the total number of shares or units of the mutual fund acquired and the amount of sales charges paid under the contractual plan up to the date the confirmation is sent or delivered. *New*.

Coded identification

(4) For the purposes of clauses *d* and *g* of subsection 1, a person or company or a salesman may be identified in a written confirmation by means of a code or symbols if the written confirmation also contains a statement that the name of the person, company or salesman will be furnished to the customer on request.

Filing of code

(5) Where a person or company uses a code or symbols for identification in a confirmation under subsection 1, the person or company shall forthwith file the code or symbols and their meaning, and shall notify the Commission within five days of any change in or addition to the code or symbols or their meaning. R.S.O. 1970, c. 426, s. 67 (2, 3).

Disclosure by agent

(6) Every dealer who has acted as agent in connection with any trade in a security shall promptly disclose to the Commission, upon request by the Commission, the name of the person or company from or to or through whom the security was bought or sold. R.S.O. 1970, c. 426, s. 67 (4), *amended*.

Order prohibiting calls to residences

36.—(1) The Commission may, by order, suspend, cancel, restrict or impose terms and conditions upon the right of any person or company or class of persons or companies named or described in the order to,

(*a*) call at any residence; or

(*b*) telephone from within Ontario to any residence within or outside Ontario,

for the purpose of trading in any security or in any class of securities. R.S.O. 1970, c. 426, s. 68 (1), *amended*.

Hearing

(2) The Commission shall not make an order under subsection 1 without giving the person or company or class of persons or companies affected an opportunity to be heard. *New*.

"residence" defined

(3) In this section, "residence" includes any building or part of a building in which the occupant resides either permanently or temporarily and any premises appurtenant thereto.

What constitutes calls

(4) For the purposes of this section, a person or company shall be deemed conclusively to have called or telephoned

where an officer, director or salesman of the person or company calls or telephones on its behalf. R.S.O. 1970, c. 426, s. 68 (3, 4).

37.—(1) No person or company, with the intention of effecting a trade in a security, other than a security that carries an obligation of the issuer to redeem or purchase, or a right of the owner to require redemption or purchase, shall make any representation, written or oral, that he or any person or company, Representations prohibited

(*a*) will resell or repurchase; or

(*b*) will refund all or any of the purchase price of,

such security.

(2) No person or company, with the intention of effecting a trade in a security, shall give any undertaking, written or oral, relating to the future value or price of such security. Future value

(3) No person or company, with the intention of effecting a trade in a security, shall, except with the written permission of the Director, make any representation, written or oral, that such security will be listed on any stock exchange or that application has been or will be made to list such security upon any stock exchange. Listing

(4) This section does not apply to any representation referred to in subsection 1 made to a person or to a company where the representation is contained in an enforceable written agreement and the security has an aggregate acquisition cost of more than $50,000. R.S.O. 1970, c. 426, s. 69, *amended*. Application of section

38.—(1) Where a registered dealer, with the intention of effecting a trade in a security with any person or company other than another registered dealer, issues, publishes or sends a circular, pamphlet, letter, telegram or advertisement, and proposes to act in the trade as a principal, the registered dealer shall so state in the circular, pamphlet, letter, telegram or advertisement or otherwise in writing before entering into a contract for the sale or purchase of any such security and before accepting payment or receiving any security or other consideration under or in anticipation of any such contract. R.S.O. 1970, c. 426, s. 70 (1). Where dealer is principal

Effect of statement

(2) A statement made in compliance with this section or clause *c* of subsection 1 of section 35 that a dealer proposes to act or has acted as principal in connection with a trade in a security does not prevent such dealer from acting as agent in connection with a trade of such security.

Application of section

(3) This section does not apply to trades referred to in subsection 1 of section 34 or to securities referred to in subsection 2 of section 34. R.S.O. 1970, c. 426, s. 70 (3, 4).

Disclosure of financial interest of advisers and dealers

39. Subject to the regulations, every registered adviser shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent out by him, in which the adviser recommends that a specific security be purchased, sold or held, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest that he or any partner, director, officer or a person or company that would be an insider of the adviser if the adviser was a reporting issuer may have either directly or indirectly in any securities referred to therein or in the sale or purchase thereof, including,

(*a*) any ownership, beneficial or otherwise, that any of them may have in respect of such securities or in any securities issued by the same issuer;

(*b*) any option that any of them may have in respect of such securities, and the terms thereof;

(*c*) any commission or other remuneration that any of them has received or may expect to receive from any person or company in connection with any trade in such securities;

(*d*) any financial arrangement relating to such securities that any of them may have with any person or company; and

(*e*) any financial arrangement that any of them may have with any underwriter or other person or company who has any interest in the securities. R.S.O. 1970, c. 426, s. 72, *amended*.

40. Every registered dealer that recommends a purchase, sale, exchange or hold of a security in any circular, pamphlet, advertisement, letter, telegram or other publication issued, published or sent by it and intended for general circulation shall, in type not less legible than that used in the body of the publication, state whether the registered dealer or any of its officers or directors has at any time during the past twelve months assumed an underwriting liability with respect to such securities or for consideration provided financial advice to the issuer of such securities or whether the registered dealer or any of its officers or directors will receive any fees as a result of the recommended action. *New.* Idem

41. Every registered dealer shall publish the name of every person or company having an interest, either directly or indirectly, to the extent of not less than 5 per cent in the capital of the dealer, on all letterheads, circulars and stationery that contain any offer or solicitation respecting a trade in securities or in a preliminary prospectus or prospectus upon or in which the name of the registered dealer appears as underwriter but where the Commission determines that a registered dealer or a class of registered dealers is subject to conditions of registration or to regulations imposed by a self-regulatory organization that require provision to customers in the same or some other manner of other appropriate information, the Commission may, subject to such terms and conditions as the Commission may impose, exempt the registered dealer or class of registered dealers from the requirements of this section. R.S.O. 1970, c. 426, s. 73, *amended.* Publication of names

42. No registrant shall use the name of another registrant on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he is a partner, officer or agent of or is authorized so to do in writing by the other registrant. R.S.O. 1970, c. 426, s. 74. Use of name of another registrant

43. No person or company shall hold himself out as being registered by having printed in a circular, pamphlet, advertisement, letter, telegram or other stationery that he is registered. R.S.O. 1970, c. 426, s. 75. Registration not to be advertised

44. No person or company who is not registered shall, either directly or indirectly, hold himself out as being registered. R.S.O. 1970, c. 426, s. 76. Holding out by unregistered person

45. No person or company shall make any representation, written or oral, that the Commission has in any way passed upon the financial standing, fitness or conduct of any registrant Advertising approval by Commission

or upon the merits of any security or issuer. R.S.O. 1970, c. 426, s. 77.

Margin contracts

46.—(1) Where a person, or a partner or employee of a partnership, or a director, officer or employee of a company, after he or the partnership or company has contracted as a registered dealer with any customer to buy and carry upon margin any securities of any issuer either in Canada or elsewhere, and while such contract continues, sells or causes to be sold securities of the same issuer for any account in which,

(*a*) he;

(*b*) his firm or a partner thereof; or

(*c*) the company or a director thereof,

has a direct or indirect interest, if the effect of such sale would, otherwise than unintentionally, be to reduce the amount of such securities in the hands of the dealer or under his control in the ordinary course of business below the amount of such securities that the dealer should be carrying for all customers, any such contract with a customer is, at the option of the customer, voidable and the customer may recover from the dealer all moneys paid with interest thereon or securities deposited in respect thereof.

Exercise of option

(2) The customer may exercise such option by a notice to that effect sent by prepaid mail addressed to the dealer at his address for service in Ontario. R.S.O. 1970, c. 426, s. 78.

Declaration as to short position

47. Any person or company who places an order for the sale of a security through an agent acting for him that is a registered dealer and who,

(*a*) at the time of placing the order, does not own the security; or

(*b*) if acting as agent, knows his principal does not own the security,

shall, at the time of placing the order to sell, declare to his agent that he or his principal, as the case may be, does not own the security. R.S.O. 1970, c. 426, s. 79.

Shares in name of registrant not to be voted

48.—(1) Subject to subsection 4, voting securities of an issuer registered in the name of,

(*a*) a registrant or in the name of his nominee; or

(*b*) a custodian or in the name of his nominee, where such issuer is a mutual fund that is a reporting issuer,

that are not beneficially owned by the registrant or the custodian, as the case may be, shall not be voted by the registrant or custodian at any meeting of security holders of the issuer.

Forwarding of information by registrant

(2) Forthwith after receipt of a copy of a notice of a meeting of security holders of an issuer, the registrant or custodian shall, where the name and address of the beneficial owner of securities registered in the name of the registrant or custodian are known, send or deliver to each beneficial owner of such security so registered at the record date for notice of meeting a copy of any notice, financial statement, information circular or other material but the registrant or custodian is not required to send or deliver such material unless the issuer or the beneficial owner of such securities has agreed to pay the reasonable costs to be incurred by the registrant or custodian in so doing. R.S.O. 1970, c. 426, s. 80 (1), *amended.*

Copies of information

(3) At the request of a registrant or custodian, the person or company sending material referred to in subsection 2 shall forthwith furnish to the registrant or custodian, at the expense of the sender, the requisite number of copies of the material.

Voting of shares

(4) A registrant or custodian shall vote or give a proxy requiring a nominee to vote any voting securities referred to in subsection 1 in accordance with any written voting instructions received from the beneficial owner.

Proxies

(5) A registrant or custodian shall, if requested in writing by a beneficial owner, give to the beneficial owner or his nominee a proxy enabling the beneficial owner or his nominee to vote any voting securities referred to in subsection 1. R.S.O. 1970, c. 426, s. 80 (3-5), *amended.*

"custodian" defined

(6) For the purpose of this section, "custodian" means a custodian of securities issued by a mutual fund held for the benefit of plan holders under a custodial agreement or other arrangement. *New.*

Submission of advertising

49.—(1) The Commission may, after giving the registered dealer an opportunity to be heard, and upon being satisfied that the registered dealer's past conduct with respect to the use of advertising and sales literature affords reasonable grounds for belief that it is necessary for the protection of the public to do so, order that the registered dealer shall deliver

to the Commission at least seven days before it is used, copies of all advertising and sales literature which the registered dealer proposes to use in connection with trading in securities.

Interpretation

(2) For the purposes of this section,

(*a*) "advertising" includes television and radio commercials, newspaper and magazine advertisements and all other sales material generally disseminated through the communications media; and

(*b*) "sales literature" includes records, videotapes and similar material, written matter and all other material, except preliminary prospectuses and prospectuses, designed for use in a presentation to a purchaser, whether such material is given or shown to him.

Prohibition of advertising

(3) Where the Commission has issued an order pursuant to subsection 1, the Director may prohibit the use of the advertising and sales literature so delivered or may require that deletions or changes be made prior to its use.

Rescission or variation of order

(4) Where an order has been made pursuant to subsection 1, the Commission, on application of the registered dealer at any time after the date thereof, may rescind or vary the order where in its opinion it is not contrary to the public interest to do so. *New.*

PART XIII

PROSPECTING SYNDICATES

Agreements

50.—(1) Upon the filing of a prospecting syndicate agreement and the issuance of a receipt therefor by the Director, the liability of the members of the syndicate or parties to the agreement is limited to the extent provided by the terms of the agreement where,

(*a*) the sole purpose of the syndicate is the financing of prospecting expeditions, preliminary mining development, or the acquisition of mining properties, or any combination thereof;

(*b*) the agreement clearly sets out,

(i) the purpose of the syndicate,

(ii) the particulars of any transaction effected or in contemplation involving the issue of units for a consideration other than cash,

(iii) the maximum amount, not exceeding 25 per cent of the sale price, that may be charged or taken by a person or company as commission upon the sale of units in the syndicate,

(iv) the maximum number of units in the syndicate, not exceeding 33⅓ per cent of the total number of units of the syndicate, that may be issued in consideration of the transfer to the syndicate of mining properties,

(v) the location of the principal office of the syndicate and that the principal office shall at all times be maintained in Ontario and that the Director and the members of the syndicate shall be notified immediately of any change in the location of the principal office,

(vi) that a person or company holding mining properties for the syndicate shall execute a declaration of trust in favour of the syndicate with respect to such mining properties,

(vii) that after the sale for cash of any issued units of the syndicate no mining properties shall be acquired by the syndicate other than by staking unless such acquisition is approved by members of the syndicate holding at least two-thirds of the issued units of the syndicate that have been sold for cash,

(viii) that the administrative expenditures of the syndicate, including, in addition to any other items, salaries, office expenses, advertising and commissions paid by the syndicate with respect to the sale of its units, shall be limited to one-third of the total amount received by the treasury of the syndicate from the sale of its units,

(ix) that a statement of the receipts and disbursements of the syndicate shall be furnished to the Director and to each member annually,

(x) that 90 per cent of the vendor units of the syndicate shall be escrowed units and may be released upon the consent of the Director and that any release of such units shall not be in excess of one vendor unit for each unit of the syndicate sold for cash,

(xi) that no securities, other than those of the syndicate's own issue, and no mining properties owned by the syndicate or held in trust for the syndicate shall be disposed of unless such disposal is approved by members of the syndicate holding at least two-thirds of the issued units of the syndicate other than escrowed units; and

(*c*) the agreement limits the capital of the syndicate to a sum not exceeding $250,000.

Receipt for filed agreement

(2) The Director may in his discretion issue a receipt for a prospecting syndicate agreement filed under this section and is not required to determine whether it is in conformity with clauses *a*, *b* and *c* of subsection 1.

Application of R.S.O. 1970, c. 340

(3) After a receipt is issued by the Director for a prospecting syndicate agreement, the requirements of *The Partnerships Registration Act* as to filing do not apply to the prospecting syndicate.

Prohibition of trading by dealer

(4) No registered dealer shall trade in a security issued by a prospecting syndicate either as agent for the prospecting syndicate or as principal. R.S.O. 1970, c. 426, s. 34, *amended*.

Receipt

(5) The Director shall not refuse to issue a receipt under subsection 1 without giving the person or company who filed the prospecting syndicate agreement an opportunity to be heard. *New*.

PART XIV

PROSPECTUSES—DISTRIBUTION

"distribution", extended meaning

51. To but not including the day eighteen months after this Act comes into force, for the purposes of sections 53 to 63, "distribution" means only a distribution that is a distribution to the public. *New*.

Prospectus required

52.—(1) No person or company shall trade in a security on his own account or on behalf of any other person or company,

(*a*) before the day eighteen months after this Act comes into force where such trade would be a distribution to the public of such security;

(*b*) on and after the day eighteen months after this Act comes into force, where such trade would be a distribution of such security,

unless a preliminary prospectus and a prospectus have been filed and receipts therefor obtained from the Director. R.S.O. 1970, c. 426, s. 35 (1); 1971, c. 31, s. 6, *amended*.

Filing without distribution

(2) A preliminary prospectus and a prospectus may be filed in accordance with this Part to enable the issuer to become a reporting issuer, notwithstanding the fact that no distribution is contemplated. *New*.

Preliminary prospectus

53.—(1) A preliminary prospectus shall substantially comply with the requirements of this Act and the regulations respecting the form and content of a prospectus, except that the report or reports of the auditor or accountant required by the regulations need not be included.

Idem

(2) A preliminary prospectus may exclude information with respect to the price to the underwriter and offering price of any securities and other matters dependent upon or relating to such prices. R.S.O. 1970, c. 426, s. 38, *amended*.

Receipt for preliminary prospectus

54. The Director shall issue a receipt for a preliminary prospectus forthwith upon the filing thereof. R.S.O. 1970, c. 426, s. 35 (2).

Prospectus

55.—(1) A prospectus shall provide full, true, and plain disclosure of all material facts relating to the securities issued or proposed to be distributed and shall comply with the requirements of this Act and the regulations.

Supplemental material

(2) The prospectus shall contain or be accompanied by such financial statements, reports, or other documents as are required by this Act or the regulations. R.S.O. 1970, c. 426, s. 41, *amended*.

Amendment to preliminary prospectus on material change

56.—(1) Subject to subsection 2, where a material adverse change occurs after a receipt is obtained for a preliminary prospectus filed in accordance with subsection 1 of section 52 and before the receipt for the prospectus is obtained or, where a material change occurs after the receipt for the prospectus is obtained but prior to the completion of the distribution under such prospectus, an amendment to such preliminary prospectus or prospectus, as the case may be, shall be filed as soon as practicable and in any event within ten days after the change occurs.

Idem

(2) Where an amendment to a prospectus is filed under subsection 1 for the purpose of distributing securities in addition to the securities previously disclosed in the prospectus or an amendment to the prospectus such additional distribution shall not be proceeded with for a period of ten days

after the amendment is filed or, in the event the Commission informs the party filing in writing within ten days of the filing that it objects to the further distribution until such time as a receipt for the amended prospectus is obtained from the Director.

Notice of amendment

(3) An amendment to a preliminary prospectus referred to in subsection 1 shall, forthwith after it has been filed, be forwarded to each recipient of the preliminary prospectus according to the record maintained under section 66. R.S.O. 1970, c. 426, s. 40 (2, 3), *amended*.

Certificate by issuer

57.—(1) Subject to subsection 3, a prospectus filed under subsection 1 of section 52 or subsection 1 of section 61 shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer, and, on behalf of the board of directors, any two directors of the issuer, other than the foregoing, duly authorized to sign, and any person or company who is a promoter of the issuer:

> *The foregoing constitutes full, true and plain disclosure of all material facts relating to the securities offered by this prospectus as required by Part XIV of The Securities Act, 1978 and the regulations thereunder.*

Idem

(2) Subject to subsection 3, a prospectus filed under subsection 2 of section 52 shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer, and, on behalf of the board of directors, any two directors of the issuer, other than the foregoing, duly authorized to sign, and any person or company who is a promoter of the issuer:

> *The foregoing constitutes full, true and plain disclosure of all material facts relating to the securities previously issued by the issuer as required by Part XIV of The Securities Act, 1978 and the regulations thereunder.*

Idem

(3) Where the issuer has only three directors, two of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the issuer.

Idem

(4) Where the Director is satisfied upon evidence or submissions made to him that either, or both of, the chief executive officer or chief financial officer of the issuer is for adequate cause not available to sign a certificate in a prospectus, the Director may permit the certificate to be signed by any other responsible officer or officers of the issuer in lieu of either, or both of, the chief executive officer or chief financial officer.

(5) With the consent of the Director, a promoter need not sign the certificate in a prospectus. Idem

(6) The Director may, in his discretion, require any person or company who was a promoter of the issuer within the two preceding years to sign the certificate required by subsection 1 or 2 subject to such conditions as the Director may consider proper. Certificate of promoter

(7) With the consent of the Director, a promoter may sign a certificate in a prospectus by his agent duly authorized in writing. R.S.O. 1970, c. 426, s. 52, *amended*. Idem

58.—(1) Where there is an underwriter, a prospectus shall contain a certificate in the following form, signed by the underwriter or underwriters who, with respect to the securities offered by the prospectus, are in a contractual relationship with the issuer or security holder whose securities are being offered by the prospectus: Certificate of underwriter

> *To the best of our knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts relating to the securities offered by this prospectus as required by Part XIV of The Securities Act, 1978 and the regulations thereunder.*

(2) With the consent of the Director, an underwriter may sign a certificate in a prospectus by his agent duly authorized in writing. R.S.O. 1970, c. 426, s. 53, *amended*. Idem

59. Every prospectus shall contain a statement of the rights given to a purchaser by sections 70 and 126. R.S.O. 1970, c. 426, ss. 64 (9), 65 (8), *amended*. Statement of rights

60.—(1) Subject to subsection 2, the Director shall issue a receipt for a prospectus filed under this Part unless it appears to him that it is not in the public interest to do so. Issuance of receipt

(2) The Director shall not issue a receipt for a prospectus if it appears to him that, Refusal of receipt

(*a*) the prospectus or any document required to be filed therewith,

(i) fails to comply in any substantial respect with any of the requirements of this Part or the regulations,

(ii) contains any statement, promise, estimate or forecast that is misleading, false or deceptive, or

(iii) contains a misrepresentation;

(*b*) an unconscionable consideration has been paid or given or is intended to be paid or given for promotional purposes or for the acquisition of property;

(*c*) the proceeds from the sale of the securities to which the prospectus relates that are to be paid into the treasury of the issuer, together with other resources of the issuer, are insufficient to accomplish the purpose of the issue stated in the prospectus;

(*d*) having regard to the financial condition of the issuer or an officer, director, promoter, or a person or company or combination of persons or companies holding sufficient of the securities of the issuer to affect materially the control of the issuer, the issuer cannot reasonably be expected to be financially responsible in the conduct of its business;

(*e*) the past conduct of the issuer or an officer, director, promoter, or a person or company or combination of persons or companies holding sufficient of the securities of the issuer to affect materially the control of the issuer affords reasonable grounds for belief that the business of the issuer will not be conducted with integrity and in the best interests of its security holders;

(*f*) such escrow or pooling agreement as the Director considers necessary or advisable with respect to securities has not been entered into;

(*g*) such agreement as the Director considers necessary or advisable to accomplish the objects indicated in the prospectus for the holding in trust of the proceeds payable to the issuer from the sale of the securities pending the distribution of the securities has not been entered into;

(*h*) in the case of a prospectus filed by a finance company, as defined in the regulations,

(i) the plan of distribution of the securities offered is not acceptable,

(ii) the securities offered are not secured in such manner, on such terms and by such means as are required by the regulations, or

(iii) such finance company does not meet such financial and other requirements and conditions as are specified in the regulations; or

(*i*) a person or company who has prepared or certified any part of the prospectus or is named as having prepared or certified a report or valuation used in or in connection with a prospectus is not acceptable to him.

Hearing

(3) The Director shall not refuse to issue a receipt under subsection 1 or 2 without giving the person or company who filed the prospectus an opportunity to be heard. R.S.O. 1970, c. 426, s. 61 (1, 2); 1971, c. 31, s. 16, *amended*.

Referral to Commission

(4) Where it appears to the Director that a preliminary prospectus, *pro forma* prospectus, or prospectus raises a material question involving the public interest under subsection 1 or a new or novel question of interpretation under subsection 2 that might result in the Director refusing to issue a receipt under subsection 1 or 2, the Director may refer the question to the Commission for determination.

Form of question

(5) The Director shall state the question in writing setting out the facts upon which the question is based.

Filing of question

(6) The question, together with any additional material, shall be lodged by the Director with the Secretary of the Commission, and a copy of the question shall forthwith be served by the Secretary upon any interested person or company.

Hearing by Commission

(7) The Commission, after giving the parties an opportunity to be heard, shall consider and determine the question and refer the matter back to the Director for final consideration under subsections 1 and 2.

Decision of Commission

(8) Subject to any order of the Supreme Court made under section 9, the decision of the Commission on the question is binding on the Director. *New*.

Refiling of prospectus

61.—(1) No distribution of a security to which subsection 1 of section 52 applies shall continue longer than twelve months from the later of either,

(*a*) the date of the issuance of the receipt for the preliminary prospectus relating to such security; or

(*b*) the date of the last prospectus filed under this section,

as the case may be, which shall be the lapse date, unless a new prospectus that complies with this Part is filed and a receipt therefor is obtained from the Director. R.S.O. 1970, c. 426, s. 56; 1971, c. 31, s. 11, *amended*.

Idem

(2) A distribution may be continued for a further twelve months if,

(*a*) a *pro forma* prospectus prepared in accordance with the regulations is filed not less than thirty days prior to the lapse date of the previous prospectus;

(*b*) a prospectus is filed not later than ten days following the lapse date of the previous prospectus; and

(*c*) a receipt for the prospectus is obtained from the Director within the twenty days following the lapse date of the previous prospectus.

Idem

(3) The continued distribution of securities after the lapse date does not contravene subsection 1 unless and until any of the conditions of subsection 2 are not complied with.

Failure to refile

(4) Subject to any extension granted under subsection 5, all trades completed in reliance upon subsection 2 after the lapse date may be cancelled at the option of the purchaser within ninety days of the purchaser's first knowledge of the failure to comply with such conditions where any of the conditions to the continuation of a distribution under subsection 2 are not complied with.

Extension of time

(5) The Commission may, upon an application of a reporting issuer, extend, subject to such terms and conditions as it may impose, the times provided by subsection 2 where in its opinion it would not be prejudicial to the public interest to do so. *New*.

Notice to Commission of distribution to public

62.—(1) No dealer shall engage in the distribution of a security to which section 52 or 61 is applicable until such dealer has notified the Commission in writing of his intention to engage in such distribution.

Notice of Commission of cessation of distribution to public

(2) Every dealer shall forthwith notify the Commission in writing when he has ceased to engage in the distribution of a security to which section 52 or 61 is applicable. R.S.O. 1970, c. 426, s. 54, *amended*.

63.—(1) Where a person or company proposing to make a distribution of previously issued securities of an issuer is unable to obtain from the issuer of the securities information or material that is necessary for the purpose of complying with this Part or the regulations, the Director may order the issuer of the securities to furnish to the person or company that proposes to make the distribution such information and material as the Director considers necessary for the purposes of the distribution, upon such terms and subject to such conditions as he considers proper, and all such information and material may be used by the person or company to whom it is furnished for the purpose of complying with this Part and the regulations. **Orders to furnish information re distribution to public**

(2) Where a person or company proposing to make a distribution of previously issued securities of an issuer is unable to obtain any or all of the signatures to the certificates required by this Act or the regulations, or otherwise to comply with this Part or the regulations, the Director may, upon being satisfied that all reasonable efforts have been made to comply with this Part and the regulations and that no person or company is likely to be prejudicially affected by such failure to comply, make such order waiving any of the provisions of this Part or the regulations as he considers advisable, upon such terms and subject to such conditions as he considers proper. R.S.O. 1970, c. 426, s. 60, *amended*. **Idem**

PART XV

DISTRIBUTION—GENERALLY

64.—(1) In this section, "waiting period" means the interval, which shall be at least ten days, between the issuance by the Director of a receipt for a preliminary prospectus relating to the offering of a security and the issuance by him of a receipt for the prospectus. **"waiting period" defined**

(2) Notwithstanding section 52, but subject to Part XII, it is permissible during the waiting period, **Distribution of material during waiting period**

(*a*) to distribute a notice, circular, advertisement or letter to or otherwise communicate with any person or company identifying the security proposed to be issued, stating the price thereof, if then determined, the name and address of a person or company from whom purchases of the security may be made and containing such further information as may be

permitted or required by the regulations, if every such notice, circular, advertisement, letter or other communication states the name and address of a person or company from whom a preliminary prospectus may be obtained;

(*b*) to distribute a preliminary prospectus; and

(*c*) to solicit expressions of interest from a prospective purchaser if, prior to such solicitation or forthwith after the prospective purchaser indicates an interest in purchasing the security, a copy of the preliminary prospectus is forwarded to him. R.S.O. 1970, c. 426, s. 36.

Distribution of preliminary prospectus

65. Any dealer distributing a security to which section 64 applies shall, in addition to the requirements of clause *c* of subsection 2 of section 64, send a copy of the preliminary prospectus to each prospective purchaser who, without solicitation, indicates an interest in purchasing the security and requests a copy of such preliminary prospectus. R.S.O. 1970, c. 426, s. 37, *amended*.

Distribution list

66. Any dealer distributing a security to which section 64 applies shall maintain a record of the names and addresses of all persons and companies to whom the preliminary prospectus has been forwarded. *New*.

Defective preliminary prospectus

67. Where it appears to the Director that a preliminary prospectus is defective in that it does not substantially comply with the requirements of this Act and the regulations as to form and content, he may, without giving notice, order that the trading permitted by subsection 2 of section 64 in the security to which the preliminary prospectus relates shall cease until a revised preliminary prospectus satisfactory to the Director is filed and forwarded to each recipient of the defective preliminary prospectus according to the record maintained under section 66. R.S.O. 1970, c. 426, s. 40 (1).

Material given on distribution

68. From the date of the issuance by the Director of a receipt for a prospectus relating to a security, a person or company trading in the security in a distribution, either on his own account or on behalf of any other person or company, may distribute the prospectus, any document filed with or referred to in the prospectus and any notice, circular, advertisement or letter of the nature described in clause *a* of subsection 2 of section 64 or in the regulations, but shall not distribute any other printed or written material respecting the security that is prohibited by the regulations. R.S.O. 1970, c. 426, s. 57; 1971, c. 31, s. 12, *amended*.

69.—(1) Where it appears to the Commission, after the filing of a prospectus under this Part and the issuance of a receipt therefor, that any of the circumstances set out in subsection 2 of section 60 exist, the Commission may order that the distribution of the securities under the prospectus shall cease. Order to cease trading

(2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall expire fifteen days from the date of the making thereof unless the hearing is commenced in which case the Commission may extend the order until the hearing is concluded. Hearing

(3) A notice of every order made under this section shall be served upon the issuer to whose securities the prospectus relates and upon every dealer who has notified the Commission of his intention to engage in the distribution of the securities, and forthwith upon the receipt of the notice, Notice

(*a*) distribution of the securities under prospectus by the person or company named in the order shall cease; and

(*b*) any receipt issued by the Director for the prospectus is revoked. R.S.O. 1970, c. 426, s. 62; 1971, c. 31, s. 17, *amended*.

70.—(1) A dealer not acting as agent of the purchaser who receives an order or subscription for a security offered in a distribution to which subsection 1 of section 52 or section 61 is applicable shall, unless he has previously done so, send by prepaid mail or deliver to the purchaser the latest prospectus and any amendment to the prospectus filed either before entering into an agreement of purchase and sale resulting from the order or subscription or not later than midnight on the second day, exclusive of Saturdays, Sundays, and holidays, after entering into such agreement. Obligation to deliver prospectus

(2) An agreement of purchase and sale referred to in subsection 1 is not binding upon the purchaser, if the dealer from whom the purchaser purchases the security receives written or telegraphic notice evidencing the intention of the purchaser not to be bound by the agreement of purchase and sale not later than midnight on the second day, exclusive of Saturdays, Sundays, and holidays, after receipt by the Withdrawal from purchase

purchaser of the latest prospectus and any amendment to the prospectus.

Application of subs. 2

(3) Subsection 2 does not apply if the purchaser is a registrant or if the purchaser sells or otherwise transfers beneficial ownership of the security referred to in subsection 2, otherwise than to secure indebtedness, before the expiration of the time referred to in subsection 2.

Time of receipt

(4) For the purpose of this section, where the latest prospectus and any amendment to the prospectus is sent by prepaid mail, the latest prospectus and any amendment to the prospectus shall be deemed conclusively to have been received in the ordinary course of mail by the person or company to whom it was addressed.

Receipt of prospectus by agent

(5) The receipt of the latest prospectus or any amendment to the prospectus by a dealer who is acting as agent of or who thereafter commences to act as agent of the purchaser with respect to the purchase of a security referred to in subsection 1 shall, for the purpose of this section, be receipt by the purchaser as of the date on which the agent received such latest prospectus and any amendment to the prospectus.

Receipt of notice by agent

(6) The receipt of the notice referred to in subsection 2 by a dealer who acted as agent of the vendor with respect to the sale of the security referred to in subsection 1 shall, for the purpose of this section, be receipt by the vendor as of the date on which the agent received such notice.

Dealer as agent

(7) For the purpose of this section, a dealer shall not be considered to be acting as agent of the purchaser unless the dealer is acting solely as agent of the purchaser with respect to the purchase and sale in question and has not received and has no agreement to receive compensation from or on behalf of the vendor with respect to the purchase and sale.

Onus of proof

(8) The onus of proving that the time for giving notice under subsection 2 has expired is upon the dealer from whom the purchaser has agreed to purchase the security. R.S.O. 1970, c. 426, s. 64; 1971, c. 31, s. 19, *amended*.

PART XVI

EXEMPTIONS FROM PROSPECTUS REQUIREMENTS

Prospectus not required

71.—(1) Subject to the regulations, sections 52 and 61 do not apply to a distribution where,

(*a*) the purchaser is,

(i) a bank to which the *Bank Act* (Canada) applies or the Federal Business Development Bank incorporated under the *Federal Business Development Bank Act* (Canada), R.S.C. 1970, c. B-1, 1974-75, c. 14 (Can.)

(ii) a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, R.S.O. 1970, c. 254

(iii) an insurance company licensed under *The Insurance Act*, R.S.O. 1970, c. 224

(iv) Her Majesty in right of Canada or any province or territory of Canada, or

(v) any municipal corporation or public board or commission in Canada,

who purchases as principal;

(*b*) the trade is an isolated trade in a specific security by or on behalf of an issuer, for the issuer's account, where such trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities;

(*c*) the party purchasing as principal is a company or a person, other than an individual, and is recognized by the Commission as an exempt purchaser;

(*d*) the purchaser purchases as principal, if the trade is in a security which has an aggregate acquisition cost to such purchaser of not less than $97,000;

(*e*) the trade is to a lender, pledgee, mortgagee or other encumbrancer from the holdings of any person, company or combination of persons or companies described in subparagraph iii of paragraph 11 of subsection 1 of section 1 for the purpose of giving collateral for a *bona fide* debt;

(*f*) the trade is made by an issuer,

(i) in a security of its own issue that is distributed by it to holders of its securities as a stock dividend or other distribution out of earnings or surplus,

(ii) in a security whether of its own issue or not that is distributed by it to holders of its securities as incidental to a *bona fide* reorganization or winding up of the issuer or distribution of its assets for the purpose of winding up its affairs pursuant to the laws of the jurisdiction in which the issuer was incorporated, organized or continued, or

(iii) in securities of its own issue transferred or issued through the exercise of a right to purchase, convert or exchange previously granted by the issuer,

provided that no commission or other remuneration is paid or given to others in respect of such distribution except for ministerial or professional services or for services performed by a registered dealer;

(*g*) the trade is made by an issuer in a security of a reporting issuer held by it that is distributed by it to holders of its securities as a dividend in specie;

(*h*) the trade is made by an issuer,

(i) in a right, transferable or otherwise granted by the issuer to holders of its securities to purchase additional securities of its own issue and the issue of securities pursuant to the exercise of the right, or

(ii) in securities of a reporting issuer held by it transferred or issued through the exercise of a right to purchase, convert or exchange previously granted by the issuer,

if the issuer has given the Commission written notice stating the date, amount, nature and conditions of the proposed trade, including the approximate net proceeds to be derived by the issuer on the basis of such additional securities being fully taken up and either,

(iii) the Commission has not informed the issuer in writing within ten days of the giving of the notice that it objects to the proposed trade, or

(iv) the issuer has delivered to the Commission information relating to the securities that is

satisfactory to and accepted by the Commission;

(*i*) the trade is made in a security of a company that is exchanged by or for the account of such company with another company or the holders of the securities of that other company in connection with,

(i) a statutory amalgamation or arrangement, or

(ii) a statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge into a new company;

(*j*) the trade is made in a security of an issuer that is exchanged by or for the account of the issuer with the security holders of another issuer in connection with a take-over bid as defined in Part XIX;

(*k*) the trade is made in a security of an issuer in connection with a take-over bid exempted from the requirements of Part XIX by subsection 2 of section 88 or by the Commission under section 99;

(*l*) the trade is made by an issuer in a security of its own issue as consideration for a portion or all of the assets of any person or company, if the fair value of the assets so purchased is not less than $100,000;

(*m*) the trade is made by an issuer in a security of its own issue in consideration of mining claims where the vendor enters into such escrow or pooling agreement as the Director considers necessary;

(*n*) the trade is made by an issuer in the securities of its own issue with its employees or the employees of an affiliate who are not induced to purchase by expectation of employment or continued employment;

(*o*) the trade is made by an issuer in securities of its own issue where the trade is reasonably necessary to facilitate the incorporation or organization of the issuer and the securities are traded for a nominal consideration to not more than five incorporators or organizers unless the statute under which the issuer is incorporated or organized requires the trade to be for a greater consideration or to a larger number of incorporators or organizers, in which

case the securities may be traded for that greater consideration or to that larger number of incorporators or organizers;

(*p*) the trade is made by an issuer with a view to the sale of securities of its own issue if solicitations are made to not more than fifty prospective purchasers resulting in sales to not more than twenty-five purchasers and,

(i) each purchaser purchases as principal, and all of the purchases are completed within a period of six months of the first purchase except that subsequent sales to the same purchasers may be carried out if made in compliance with written agreements entered into during that six month period,

(ii) each purchaser has access to substantially the same information concerning the issuer that a prospectus filed under this Act would provide and is,

a. an investor who, by virtue of his net worth and investment experience or by virtue of consultation with or advice from a person or company who is not a promoter of the issuer whose securities are being offered and who is a registered adviser or a registered dealer, is able to evaluate the prospective investment on the basis of information respecting the investment presented to him by the issuer, or

b. a senior officer or director of the issuer or his spouse, parent, brother, sister or child,

(iii) the offer and sale of the securities are not accompanied by an advertisement and no selling or promotional expenses have been paid or incurred in connection therewith, except for professional services or for services performed by a registered dealer, and

(iv) no promoter of the issuer, other than a registered dealer, has acted as a promoter of any other issuer which has traded in securities of its own issue pursuant to the exemption in this clause within the previous twelve months,

but an issuer which has relied upon this exemption may not again thereafter rely upon this exemption;

(*q*) the trade is made from one registered dealer to another registered dealer where the registered dealer making the purchase is acting as principal;

(*r*) the trade is made between a person or company and an underwriter acting as purchaser or between or among underwriters; or

(*s*) the trade is in a commodity futures option or commodity futures contract where such trade is that of a hedger through a dealer, within the meaning of *The Commodity Futures Act, 1978*. 1978, c. ...

(2) For the purpose of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee or as agent for accounts fully managed by it. **Trust companies deemed principals** R.S.O. 1970, c. 254

(3) Subject to the regulations, where a trade has been made under clause *a*, *b*, *c*, *d*, *l*, *p* or *q* of subsection 1, the vendor shall within ten days file a report prepared and executed in accordance with the regulations, but no report is required where, by a trade under clause *a* of subsection 1, a bank to which the *Bank Act* (Canada) applies or a loan corporation or trust company registered under *The Loan and Trust Corporations Act* acquires from a customer an evidence of indebtedness of the customer or an equity investment in the customer acquired concurrently with an evidence of indebtedness. **Report** R.S.C. 1970, c. B-1

(4) The first trade in securities previously acquired pursuant to an exemption contained in clause *a*, *b*, *c*, *d*, *l*, *m*, *p* or *q* of subsection 1, other than a further trade exempted by subsection 1, is a distribution, unless, **First trades deemed distribution**

(*a*) the issuer of the security is a reporting issuer and is not in default of any requirement of this Act or the regulations;

(*b*) (i) the securities are listed and posted for trading on a stock exchange recognized for this purpose by the Commission and comply with the requirements of either clause *m* or *n* of subsection 1 of section 383 of *The Insurance Act*, and have been held at least six months from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is the later, or R.S.O. 1970, c. 224

(ii) the securities are bonds, debentures or other evidences of indebtedness issued or guaranteed by an issuer or are preferred shares of an issuer and comply with the requirements of clause *k* or *m*, as the case may be, of subsection 1 of section 383 of *The Insurance Act* and have been held at least six months from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is the later, or

R.S.O. 1970, c. 224

(iii) the securities are listed and posted for trading on a stock exchange recognized for this purpose by the Commission or are bonds, debentures or other evidences of indebtedness issued or guaranteed by the reporting issuer whose securities are so listed, and have been held at least one year from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is later, or

(iv) the securities have been held at least eighteen months from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is later; and

(*c*) the vendor files a report within ten days prepared and executed in accordance with the regulations,

provided that no unusual effort is made to prepare the market or to create a demand for such securities and no extraordinary commission or consideration is paid in respect of such trade.

Idem

(5) The first trade in securities previously acquired under an exemption contained in clause *f*, *i*, *j*, *k* or *n* of subsection 1 and the first trade in previously issued securities of a company that has ceased to be a private company, other than a further trade exempted by subsection 1, is a distribution except that where,

(*a*) the issuer of the securities is a reporting issuer and has been a reporting issuer for at least twelve months or, in the case of securities acquired under clause *i* of subsection 1, one of the amalgamating or merged corporations or one of the continuing corporations has been a reporting issuer for twelve months and the issuer is not in default of any requirement of this Act or the regulations;

(*b*) disclosure to the Commission has been made of its exempt trade or in the case of a company that has ceased to be a private company the issuer has filed with the Commission such report with respect to its outstanding securities as may be required by the regulations; and

(*c*) no unusual effort is made to prepare the market or to create a demand for the securities and no extraordinary commission or consideration is paid in respect of the trade,

then such first trade is a distribution only if it is a distribution as defined in subparagraph iii of paragraph 11 of subsection 1 of section 1.

Idem

(6) The first trade in securities previously purchased under an exemption contained in clause *o* or *r* of subsection 1, other than a further trade exempted by subsection 1, is a distribution.

Prospectus not required

(7) Sections 52 and 61 do not apply to a distribution within the meaning of subparagraph iii of paragraph 11 of subsection 1 of section 1 or by a lender, pledgee, mortgagee or other encumbrancer for the purpose of liquidating a *bona fide* debt by selling or offering for sale a security pledged, mortgaged or otherwise encumbered in good faith as collateral for the debt in accordance with clause *e* of subsection 1, if,

(*a*) the distribution is exempted by subsection 1; or

(*b*) the issuer of the security is a reporting issuer and has been a reporting issuer for at least eighteen months and is not in default of any requirement of this Act or the regulations and the seller, unless exempted by the regulations,

(i) files with the Commission and any stock exchange recognized by the Commission for this purpose on which the securities are listed at least seven days and not more than fourteen days prior to the proposed trade,

a. a notice of intention to sell in the form prescribed by the regulations disclosing particulars of the control position known to him, the number of securities to be sold and the method of distribution, and

b. a declaration signed by each seller as at a date not more than twenty-four

hours prior to its filing and prepared and executed in accordance with the regulations and certified as follows:

"The seller for whose account the securities to which this certificate relates are to be sold hereby represents that he has no knowledge of any material change which has occurred in the affairs of the issuer of the securities which has not been generally disclosed and reported to the Commission, nor has he any knowledge of any other material adverse information in regard to the current and prospective operations of the issuer which have not been generally disclosed",

and,

(ii) files within three days after the completion of any trade a report of the trade in the form prescribed under Part XX,

provided that the notice required to be filed under sub-subclause a of subclause i and the declaration required to be filed under sub-subclause b of subclause i shall be renewed and filed at the end of sixty days after the original date of filing and thereafter at the end of each twenty-eight day period so long as any of the securities specified under the original notice have not been sold or until notice has been filed that the securities so specified or any part thereof are no longer for sale; and

(*c*) no unusual effort is made to prepare the market or to create a demand for the securities and no extraordinary commission or other consideration is paid in respect of such trade. *New*.

Certificate re reporting issuer

(8) Subject to subsection 10, for the purpose of determining whether an issuer is a reporting issuer and, if so, whether the reporting issuer is not in default of any requirement of this Act or the regulations, the seller is entitled to apply to the Commission for a certificate issued for this purpose in accordance with section 136 and is entitled to rely on the certificate.

List re defaulting reporting issuers

(9) Subject to subsection 10, for the purpose of determining whether a reporting issuer is not in default of any requirement

of this Act or the regulations, the seller is entitled to rely on a list of defaulting reporting issuers which shall be maintained by the Commission for public inspection in its offices during its normal business hours.

(10) No person or company who knows or ought reasonably to know that a reporting issuer is in default may rely on the certificate or on the list. **Exception**

(11) For the purposes of this section, an issuer shall be deemed to have been a reporting issuer from the date that it met the condition of the appropriate subclause of paragraph 38 of subsection 1 of section 1 provided that in each case it is currently in compliance with the requirements of this Act and in the case of qualification under subclause iii of paragraph 38 of subsection 1 of section 1 it is also currently listed and posted for trading on any stock exchange in Ontario recognized by the Commission. *New.* **Reporting issuers**

72.—(1) Sections 52 and 61 do not apply to a distribution of securities, **Prospectus not required**

(*a*) referred to in subsection 2 of section 34 excepting paragraphs 14 and 15 thereof;

(*b*) that are listed and posted for trading on any stock exchange recognized for the purpose of this section by the Commission where the securities are distributed through the facilities of the stock exchange pursuant to the rules of the stock exchange and the requirements of the Commission, provided that a statement of material facts, which shall comply as to form and content with the regulations, is filed with and is accepted for filing by the stock exchange and the Commission;

(*c*) that are options to sell or purchase securities known as puts and calls or any combination thereof which provide that the holder thereof may sell to or purchase from the writer of the option a specified amount of securities at a specific price, on or prior to a specified date or the occurrence of a specified event, provided,

(i) the option has been written by a member of an exchange recognized by the Commission for this purpose or the performance under the option is guaranteed by a member of an exchange recognized by the Commission for this purpose,

(ii) the securities that are the subject of the option are listed and posted for trading on an exchange recognized by the Commission for this purpose, and

(iii) the option is in the form from time to time prescribed by the regulations; or

(*d*) that are exempted by the regulations.

Application of ss. 70 and 126

(2) Sections 70 and 126 apply *mutatis mutandis* to a distribution under clause *b* of subsection 1 as if sections 52 and 61 were applicable thereto, and the statement of material facts referred to in clause *b* of subsection 1 shall be deemed conclusively to be a prospectus for the purposes of sections 70 and 126. *New.*

Order exempting from registration a prospectus

73.—(1) The Commission may, upon the application of an interested person or company, rule that an intended trade is not subject to section 24 or 52 where it is satisfied that to do so would not be prejudicial to the public interest, and may impose such terms and conditions as are considered necessary. 1971, c. 31, s. 14, *part, amended.*

Determination of whether distribution has ceased

(2) Where doubt exists whether a distribution of any security has been concluded or is currently in progress, the Commission may determine the question and rule accordingly.

Ruling final

(3) A decision of the Commission under this section is final and there is no appeal therefrom. 1971, c. 31, s. 14, *part.*

PART XVII

CONTINUOUS DISCLOSURE

Publication of material change

74.—(1) Subject to subsection 3, where a material change occurs in the affairs of a reporting issuer, it shall forthwith issue and file a press release authorized by a senior officer disclosing the nature and substance of the change.

Report of material change

(2) Subject to subsection 3, the reporting issuer shall file a report of such material change in accordance with the regulations as soon as practicable and in any event within ten days of the date on which the change occurs.

Idem

(3) Where,

(*a*) in the opinion of the reporting issuer, the disclosure required by subsections 1 and 2 would be

unduly detrimental to the interests of the reporting issuer; or

(*b*) the material change consists of a decision to implement a change made by senior management of the issuer who believe that confirmation of the decision by the board of directors is probable and senior management of the issuer has no reason to believe that persons with knowledge of the material change have made use of such knowledge in purchasing or selling securities of the issuer,

the reporting issuer may, in lieu of compliance with subsection 1, forthwith file with the Commission the report required under subsection 2 marked "confidential" together with written reasons for non-disclosure.

Idem

(4) Where a report has been filed with the Commission under subsection 3, the reporting issuer shall advise the Commission in writing where it believes the report should continue to remain confidential within ten days of the date of filing of the intitial report and every ten days thereafter until the material change is generally disclosed in the manner referred to in subsection 1 or, if the material change consists of a decision of the type referred to in clause *b* of subsection 3, until that decision has been rejected by the board of directors of the issuer. *New*.

Trading where undisclosed change

75.—(1) No person or company in a special relationship with a reporting issuer shall,

(*a*) purchase or sell securities of the reporting issuer with the knowledge of a material fact or material change in the affairs of the reporting issuer that he or it knew or ought reasonably to have known had not been generally disclosed; or

(*b*) inform, other than in the necessary course of business, another person or company about a fact or change which he knows is a material fact or material change before the material fact or material change has been generally disclosed.

Exception

(2) No purchaser or vendor shall be found to have contravened clause *a* of subsection 1 if such purchaser or vendor proves that he did not make use of knowledge of the material fact or material change in purchasing or selling the securities.

Interpretation

(3) For the purposes of this section, a person or company is in a special relationship with a reporting issuer where,

(*a*) the person or company is an insider or an affiliate of the reporting issuer;

(*b*) the person is a director, officer or employee of the reporting issuer or of a company that is an insider or an affiliate of the reporting issuer;

(*c*) the person or company has engaged, is engaging in or proposes to engage in any business or professional activities with or on behalf of the reporting issuer and thereby has acquired knowledge of the material fact or material change; or

(*d*) the person or company is an associate of the reporting issuer or of any person or company referred to in clause *a*, *b* or c. *New*.

Interim financial statement

76.—(1) Every reporting issuer that is not a mutual fund shall file within sixty days of the date to which it is made up an interim financial statement,

(*a*) for the three-month period that commenced on the date of incorporation or organization and for each of the two subsequent three-month periods during its first financial year, if the reporting issuer has not completed a financial year; or

(*b*) for the three-month period of the current financial year that commenced immediately following the last financial year and for each of the two subsequent three-month periods during the current financial year, including a comparative statement for the corresponding three-month period in the last financial year, if the reporting issuer has completed a financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles. R.S.O. 1970, c. 426, s. 130 (1), *amended*.

Idem

(2) Every mutual fund in Ontario shall file within sixty days of the date to which it is made up an interim financial statement,

(*a*) for the six-month period that commenced on the date of incorporation or organization if the reporting issuer has not completed a financial year; or

(*b*) for the six-month period that commenced immediately after the last financial year, if the reporting issuer has completed a financial year,

made up and certified by the regulations and in accordance with generally accepted accounting principles. *New*.

77.—(1) Every reporting issuer that is not a mutual fund and every mutual fund in Ontario shall file annually within 140 days from the end of its last financial year comparative financial statements relating separately to, Comparative financial statements

(*a*) the period that commenced on the date of incorporation or organization and ended as of the close of the first financial year or, if the reporting issuer or mutual fund has completed a financial year, the last financial year, as the case may be; and

(*b*) the period covered by the financial year next preceding the last financial year, if any,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles. R.S.O. 1970, c. 426, s. 120 (1), *amended*.

(2) Every financial statement referred to in subsection 1 shall be accompanied by a report of the auditor of the reporting issuer or mutual fund prepared in accordance with the regulations. R.S.O. 1970, c. 426, s. 119 (2), *amended*. Auditor's report

(3) The auditor of a reporting issuer or mutual fund shall make such examinations as will enable him to make the report required by subsection 2. R.S.O. 1970, c. 426, s. 119 (1), *amended*. Auditor's examination

(4) For the purposes of this Part, "auditor", where used in relation to the reporting issuer or mutual fund, includes the auditor of the reporting issuer or mutual fund and any other independent public accountant. *New*. "auditor" defined

78. Every financial statement required to be filed pursuant to section 76 or section 77 shall be concurrently sent by the reporting issuer or the mutual fund in Ontario, as the case may be, to each holder of its securities, other than debt instruments, whose latest address as shown on the books of the reporting issuer is in Ontario, but where the reporting issuer is subject to a corresponding requirement of the laws of the jurisdiction under which the reporting issuer is incorporated, organized or continued then compliance with such corresponding requirement shall be deemed to be compliance with this section. *New*. Delivery of financial statements to security holders

79. Upon the application of a reporting issuer or upon the motion of the Commission, the Commission may, where in the opinion of the Commission to do so would not be prejudicial to the public interest, make an order on such terms and conditions as the Commission may impose, Relief against certain requirement

(*a*) permitting the omission from the financial statements required to be filed under this Part of,

(i) comparative financial statements for particular periods of time,

(ii) sales or gross operating revenue where the Commission is satisfied that the disclosure of such information would be unduly detrimental to the interests of the reporting issuer, or

(iii) basic earnings per share or fully diluted earnings per share; or

(*b*) exempting, in whole or in part, any reporting issuer or class of reporting issuers from a requirement of this Part or the regulations relating to a requirement of this Part,

(i) if such requirement conflicts with a requirement of the laws of the jurisdiction under which the reporting issuer or class of reporting issuers is incorporated, organized or continued,

(ii) if the reporting issuer or class of reporting issuers ordinarily distributes financial information to holders of its, or their, securities in a form, or at times, different from those required by this Part, or

(iii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing. R.S.O. 1970, c. 426, s. 132 (1), *amended*.

Filing of information circular

80.—(1) Where the management of a reporting issuer is required to send an information circular under clause *a* of subsection 1 of section 85, the reporting issuer shall forthwith file a copy of such information circular certified in accordance with the regulations.

Idem

(2) In any case where subsection 1 is not applicable, the reporting issuer shall file annually within 140 days from the end of its last financial year a report prepared and certified in accordance with the regulations. *New*.

Filing of documents filed in another jurisdiction

81. Where the laws of the jurisdiction in which the reporting issuer was incorporated, organized or continued

require the reporting issuer to file substantially the same information in that jurisdiction as is required by this Part, the reporting issuer may comply with the filing requirements of this Part by filing copies of the press release, timely disclosure report, information circular or financial statements and auditor's report, as the case may be, required by that jurisdiction provided such releases, reports, circulars or statements are manually signed or certified in accordance with the regulations. *New*.

82. Upon the application of a reporting issuer that has fewer than fifteen security holders whose latest address as shown on the books of the reporting issuer is in Ontario, the Commission may order, subject to such terms and conditions as it may impose, that the reporting issuer shall be deemed to have ceased to be a reporting issuer where it is satisfied that to do so would not be prejudicial to the public interest. *New*. Order relieving small reporting issuer

PART XVIII

PROXIES AND PROXY SOLICITATION

83. In this Part, Interpretation

(*a*) "information circular" means an information circular prepared in accordance with the regulations;

(*b*) "solicit" and "solicitation" include,

(i) any request for a proxy whether or not accompanied by or included in a form of proxy,

(ii) any request to execute or not to execute a form of proxy or to revoke a proxy,

(iii) the sending or delivery of a form of proxy or other communication to a security holder under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy,

(iv) the sending or delivery of a form of proxy to a security holder under section 84,

but do not include,

(v) the sending or delivery of a form of proxy to a security holder in response to an unsolicited request made by him or on his behalf, or

(vi) the performance by any person or company of ministerial acts or professional services on behalf of a person or company soliciting a proxy. R.S.O. 1970, c. 426, s. 101 (*b*, *c*), *amended*.

Mandatory solicitation of proxies

84. Subject to section 87, if the management of a reporting issuer gives or intends to give to holders of its voting securities notice of a meeting, the management shall, concurrently with or prior to giving the notice to the security holders whose latest address as shown on the books of the reporting issuer is in Ontario, send by prepaid mail to each such security holder who is entitled to notice of meeting, at his latest address as shown on the books of the reporting issuer, a form of proxy for use at the meeting that complies with the regulations. R.S.O. 1970, c. 426, s. 102 (1), *amended*.

Information circular

85.—(1) Subject to subsection 2 and section 87, no person or company shall solicit proxies from holders of its voting securities whose latest address as shown on the books of the reporting issuer is in Ontario unless,

(*a*) in the case of a solicitation by or on behalf of the management of a reporting issuer, an information circular, either as an appendix to or as a separate document accompanying the notice of the meeting, is sent by prepaid mail to each such security holder of the reporting issuer whose proxy is solicited at his latest address as shown on the books of the reporting issuer; or

(*b*) in the case of any other solicitation, the person or company making the solicitation, concurrently with or prior thereto, delivers or sends an information circular to each such security holder whose proxy is solicited.

Application of subs. 1

(2) Subsection 1 does not apply to,

(*a*) any solicitation, otherwise than by or on behalf of the management of a reporting issuer, where the total number of security holders whose proxies are solicited is not more than fifteen, two or more persons or companies who are the joint registered owners of one or more securities being counted as one security holder;

(*b*) any solicitation by a person or company made under section 48; or

(*c*) any solicitation by a person or company in respect of securities of which he is the beneficial owner. R.S.O. 1970, c. 426, s. 103 (1, 2), *amended*.

Voting where proxies

86. The chairman at a meeting has the right not to conduct a vote by way of ballot on any matter or group of matters in connection with which the form of proxy has provided a means whereby the person or company whose proxy is solicited may specify how such person or company wishes the securities registered in his name to be voted unless,

(*a*) a poll is demanded by any security holder present at the meeting in person or represented thereat by proxy; or

(*b*) proxies requiring that the securities represented thereby be voted against what would otherwise be the decision of the meeting in relation to such matters or group of matters total more than 5 per cent of all the voting rights attached to all the securities entitled to be voted and be represented at the meeting. R.S.O. 1970, c. 426, s. 106, *amended*.

Compliance with laws of other jurisdiction

87.—(1) Where a reporting issuer is complying with the requirements of the laws of the jurisdiction under which it is incorporated, organized or continued and the requirements are substantially similar to the requirements of this Part, the requirements of this Part do not apply.

Exemption by order

(2) Subject to subsection 1, upon the application of any interested person or company, the Commission may,

(*a*) if a requirement of this Part conflicts with a requirement of the laws of the jurisdiction under which the reporting issuer is incorporated, organized or continued; or

(*b*) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order on such terms and conditions as the Commission may impose; exempting, in whole or in part, a person or company from the requirements of this Part and of section 80. *New*.

PART XIX

TAKE-OVER BIDS AND ISSUER BIDS

Interpretation

88.—(1) In this Part,

(*a*) "class of securities" means the particular class or series of securities for which a take-over bid or an issuer bid is made;

(*b*) "day" means a clear day and a period of days shall be deemed to commence the day following the event which began the period and shall be deemed to terminate on midnight of the last day of the period except that if the last day of the period falls on a Sunday or holiday the period shall terminate on midnight of the day next following that is not a Sunday or holiday;

(*c*) "directors' circular" means a directors' circular prepared in accordance with the regulations;

(*d*) "issuer bid" means,

(i) an offer made by an issuer to security holders the last address of any of whom as shown on the books of the issuer is in Ontario to purchase, redeem or otherwise acquire any or all of a class of the securities of the issuer, other than debt securities that are not convertible into equity securities,

(ii) the acceptance by an issuer of an offer to sell securities of the issuer, other than debt securities that are not convertible into equity securities, and the issuer accepting the offer to sell shall be deemed to be an offeror;

(*e*) "market price", as to securities in which there is a published market, at any date, means,

(i) except where a determination has been made by the Commission under clause *b* of section 99, the price determined in accordance with the regulations, by reference to the price of such securities as established by trades on the published market, or

(ii) where the Commission has made a determination of market price under clause *b* of section 99, the price so determined;

(*f*) "offeree" means a person or company to whom a take-over bid or an issuer bid is made and whose

latest address as shown on the books of the offeree company is in Ontario;

(*g*) "offeree company" means a company or other issuer whose securities are the subject of a take-over bid;

(*h*) "offeror" means a person or company other than an agent, who makes a take-over bid or an issuer bid and where two or more persons or companies make offers,

(i) jointly or in concert, or

(ii) intending to exercise jointly or in concert any voting rights attaching to the securities acquired through the offers,

then each of them shall be deemed to be an offeror if the offer made by any of them is a take-over bid;

(*i*) "offeror's presently-owned securities" means voting securities of an offeree company beneficially owned, directly or indirectly, on the date of a take-over bid by the offeror or associates of the offeror and where two or more persons or companies make offers,

(i) jointly or in concert, or

(ii) intending to exercise jointly or in concert any voting rights attaching to the securities acquired through the offers,

includes the voting securities owned by all of such persons or companies and their associates;

(*j*) "published market", as to any class of securities, means a stock exchange recognized by the Commission for purposes of this Part on which such securities are listed, or any other market on which such securities are traded if the prices at which they have been traded on that market are regularly published in a *bona fide* newspaper or business or financial publication of general and regular paid circulation; and

(*k*) "take-over bid" means,

(i) an offer made to security holders, the last address of any of whom as shown on the books of the offeree company or other issuer is in Ontario, to purchase directly or indirectly voting securities of the company or other issuer,

(ii) the acceptance by a person or company of an offer to sell voting securities of a company or other issuer and such acceptance shall be deemed to constitute an offer to purchase and the person or company accepting the offer shall be deemed to be an offeror, or

(iii) a combination of an offer to purchase referred to in subclause i and an acceptance of an offer to sell referred to in subclause ii,

where the voting securities which are the subject of the offer to purchase, the acceptance of the offer to sell or the combination thereof, as the case may be, together with the offeror's presently owned securities will in the aggregate exceed 20 per cent of the outstanding voting securities of the company or other issuer and where two or more persons or companies make or accept offers jointly or in concert or intending to exercise jointly or in concert any voting rights attaching to the securities to be acquired, then the securities owned by each of them shall be included in the calculation of the percentage of the outstanding voting securities of the company or other issuer owned by each of them;

(*l*) "uniform act province" means a province or territory of Canada designated in the regulations as a province or territory which has legislation in effect containing provisions substantially the same as this Part and section 129. R.S.O. 1970, c. 426, s. 81; 1971, c. 31, s. 22, *amended*.

Exempted take-over bids

(2) Subject to section 91, a take-over bid is exempted from the requirements of this Part where,

(*a*) it is made through the facilities of a stock exchange recognized by the Commission for the purpose of this section according to the by-laws, regulations or policies of the stock exchange;

(*b*) it is an offer to purchase securities in a private company;

(*c*) it is an offer to purchase securities by way of agreements with fewer than fifteen security holders and not made pursuant to an offer to security holders generally, but where an offeror enters into an agreement to purchase securities from a person or company and the offeror knows or ought to know after reasonable inquiry that,

(i) one or more other persons or companies on whose behalf that person or company is acting as trustee, executor, administrator or other legal representatives, have a direct beneficial interest in those securities, then each of such others shall be included in the determination of the number of security holders with whom there have been agreements, but where an *inter vivos* trust has been established by a single settlor or where an estate has not vested in all persons beneficially entitled thereto, the trust or estate shall be considered to be a single security holder in such determination, or

(ii) the person or company acquired the securities during the two years preceding the date of the agreement with the intent that they should be sold under such agreement, then each person or company from whom those securities were acquired shall be included in the determination of the number of security holders with whom there have been agreements;

(*d*) it involves the acquisition of not more than 5 per cent of the voting securities of the offeree company but the aggregate number of voting securities acquired by the offeror, his associates or affiliates, within any period of twelve consecutive months in reliance on the exemptions provided by this subsection, shall not exceed 5 per cent of the outstanding voting securities of the offeree company at the beginning of the period, and this clause does not apply to any purchase of voting securities in which there is a published market if that purchase is effected above the market price at the date of purchase plus reasonable brokerage fees or other commission; or

(*e*) it is an offer to acquire voting securities of an issuer made by and accepted by a person or company each of whom is, as regards such issuer, a person or company referred to in subparagraph iii of paragraph 11 of subsection 1 of section 1. R.S.O. 1970, c. 426, s. 81; 1971, c. 31, s. 22, *amended*.

Exempted issuer bid

(3) An issuer bid is exempted from the requirements of this Part where,

(*a*) the securities are purchased, redeemed or otherwise acquired in accordance with the terms and con-

ditions agreed to at the time they were issued or subsequently varied by amendment of the documents setting out those terms and conditions, or are acquired to meet sinking fund requirements or from an employee of the issuer or an employee of an affiliate;

(*b*) the purchases, redemptions or other acquisitions are required by the instrument creating or governing the class of securities or by the statute under which the issuer was incorporated or organized;

(*c*) the issuer bid is made through the facilities of a stock exchange recognized by the Commission for the purpose of this Part according to the by-laws, regulations or policies of the stock exchange;

(*d*) following the publication of a notice of intention in the form and in the manner prescribed by the regulations, the issuer purchases securities of the issuer, but the aggregate number, or in the case of convertible debt securities, the aggregate principal amount, of securities purchased by the issuer in reliance on the exemption provided by this clause during any period of twelve consecutive months shall not exceed 5 per cent of the securities of the class sought outstanding at the commencement of the period; or

(*e*) the issuer bid is made by a private company. *New.*

Requirements for take-over and issuer bids

89.—(1) The following provisions apply to every take-over bid and issuer bid:

1. The take-over bid or issuer bid shall be sent to all holders of the class of securities sought, and of securities convertible into, or carrying the right to purchase, securities of that class, whose last address on the records of the offeree company or issuer is in Ontario.

2. The period of time in which securities may be deposited pursuant to a take-over bid or an issuer bid shall not be less than twenty-one days from the date thereof.

3. Any securities deposited pursuant to a take-over bid or an issuer bid shall not be taken up and paid for by the offeror until the expiration of ten days from its date.

4. Any securities deposited pursuant to a take-over bid or an issuer bid may be withdrawn by an offeree

at any time until the expiration of ten days from its date.

5. Notice of withdrawal of any securities pursuant to paragraph 4 shall be made in writing, including telegraphic communication, by the offeree or his agent and must be actually received by the depositary.

6. Where a take-over bid or an issuer bid is made for less than all of the class of securities sought that are owned by offerees, securities deposited pursuant thereto shall not be taken up and paid for by an offeror until the expiration of twenty-one days from its date.

7. Where a take-over bid or an issuer bid is made for less than all of the class of securities sought that are owned by offerees, the period of time within which securities may be deposited pursuant to the take-over bid or an issuer bid, or any extension thereof, shall not exceed thirty-five days from the date of the take-over bid or an issuer bid.

8. Where a take-over bid or an issuer bid is made for less than all of the class of securities sought that are owned by offerees, securities deposited pursuant to the take-over bid or an issuer bid shall be taken up and paid for, if all the terms and conditions thereof not waived by the offeror have been complied with, within fourteen days after the last day within which securities may be deposited thereto.

9. Where a take-over bid or an issuer bid is made for less than all of the class of securities sought that are owned by offerees and where a greater number of securities is deposited pursuant thereto than the offeror is bound or willing to take up and pay for, the securities taken up by the offeror shall be taken up as nearly as may be *pro rata*, disregarding fractions, according to the number of securities deposited by each offeree.

10. Where the offeror making a take-over bid intends to purchase securities in the market his intention shall be set out in the take-over bid circular and, where the take-over bid is made for less than all of the class of securities sought that are owned by offerees, the offeror shall not reduce the number of securities he is bound or willing to take up under paragraphs 8 and 9 by the number of securities purchased in the market.

11. In the case of a take-over bid, where the laws applicable to the company provide for a right of appraisal or acquisition, the offeror shall advise the offeree of his rights of appraisal and whether the offeror intends exercising any right of acquisition he may have.

12. The offeror shall not attach any conditions to the offer except the right to withdraw the offer if,

(*a*) the offerees fail to tender the minimum number of securities the offeror is bound and willing to take up;

(*b*) any undisclosed action prior to the date of the offer or any action subsequent to such date, by a person or company other than the offeror, including a governmental or regulatory authority, or, in the case of a take-over bid, by the offeree company or its directors or senior officers, that results in a material change in the affairs of the company; or

(*c*) the required approval of a governmental or regulatory authority is not obtained prior to the expiration of the offer.

13. Where the take-over bid or issuer bid is made for all of the class of securities sought that are owned by offerees, the offeror shall, at the expiration of thirty-five days from the making of the offer, take up and pay for the securities tendered at that time or abandon his offer.

14. Where the take-over bid is subject to the approval of a governmental or regulatory authority, the time within which the offeror is bound to take up and make payment for the securities under paragraphs 8 and 13 may be extended for a period not exceeding an additional ninety days. R.S.O. 1970, c. 426, s. 82; 1971, c. 31, s. 23, *amended*.

Sale by offeror prohibited

(2) The offeror shall not sell any of the class of the securities that are the subject of the take-over bid during the period of the take-over bid.

Offer increasing take-over bid or issuer bid

(3) Where, during the course of a take-over bid or an issuer bid, the offeror pays or agrees to pay a price for securities higher than the consideration offered through the take-over

bid or issuer bid, the take-over bid or issuer bid shall be deemed to be varied by increasing the consideration to the higher price. *New.*

90.—(1) Where a significant change has occurred in the information contained in a take-over bid circular or issuer bid circular while the offer is still outstanding or where a take-over bid or an issuer bid has been varied by changing any of its terms, every person or company whose shares have not been taken up and paid for and who has been sent the take-over bid circular or issuer bid circular shall be sent notice of such change or variation and, except where a variation is solely an increase in price, the date of the take-over bid or issuer bid shall, for the purposes of section 89, be deemed to be the date of the sending of the notice of such change or variation. Notice of variation in take-over bid or issuer bid

(2) A notice of variation shall advise the offeree of his rights under paragraph 4 of subsection 1 of section 89. *New.* Idem

(3) Where the terms of a take-over bid or an issuer bid are varied before the expiration thereof by increasing the consideration offered for the securities, the offeror shall pay such increased consideration to each offeree whose securities are taken up and paid for pursuant to the take-over bid or issuer bid, whether or not such securities have been taken up by the offeror before the variation of the take-over bid or issuer bid. R.S.O. 1970, c. 426, s. 84, *amended.* Variation of terms of take-over bid or issuer bid

91.—(1) Where a take-over bid is effected without compliance with section 89 in reliance on the exemption in clause *c* of subsection 2 of section 88, if there is a published market in the class of securities acquired and the value of the consideration paid for any of the securities acquired exceeds the market price at the date of the relevant agreement plus reasonable brokerage fees or other commissions, the offeror shall within 180 days after the date of the first of the agreements comprising the take-over bid, offer to purchase all of the additional securities of the same class owned by security holders, the last registered address of whom is in Ontario or in a uniform act province, at and for a consideration per security at least equal in value to the greatest consideration paid under any such agreements, and that offer shall be a take-over bid for purposes of this Part. Follow-up offers

(2) Where a take-over bid, including a take-over bid exempted from the requirements of this Part under subsection 2 of section 88, True target companies

(*a*) results in the acquisition by the offeror of the power or authority to control the business or affairs of the offeree company and, in consequence thereof, the offeror acquires the indirect power or authority to control the business or affairs of another company that is not a private company, herein called the "true target company"; and

(*b*) forms, to the knowledge of the offeror, part of a series of transactions initiated by a present or former holder of securities of the true target company who formerly had the power or authority to control the business or affairs of the true target company, the principal purpose of which was to permit the indirect sale of some or all of his securities of the true target company in a manner that would avoid the application of subsection 1,

the take-over bid shall, for the purposes of subsection 1, be deemed to constitute a take-over bid for securities of the true target company effected without compliance with section 89 in reliance on the exemption in clause *c* of subsection 2 of section 88, at a consideration per security equal to the value per security of the true target company received directly or indirectly by the security holder as a consequence of the series of transactions initiated by him.

Premium prohibited

(3) Subject to any decision of the Commission under section 99, where a take-over bid or an issuer bid is made, all holders of the same class of securities shall be offered the same consideration and no collateral agreement with any such holders shall have the effect, directly or indirectly, of offering such holders a consideration of greater value for their securities than that offered to the other holders of the same class of securities. *New.*

Sending by mail

92. A take-over bid, a varied take-over bid, an issuer bid or a varied issuer bid shall be communicated to each offeree by prepaid mail, by personal delivery or in such other manner as the Director may approve and shall be deemed conclusively to have been dated as of the date on which it was mailed, delivered or otherwise communicated. R.S.O. 1970, c. 426, s. 83, *amended.*

Consideration in cash

93. Where a take-over bid or an issuer bid provides that the consideration for the securities deposited pursuant thereto is to be paid in cash or partly in cash, the offeror shall make adequate arrangements to ensure that the required funds are available to effect payment in full for all securities owned by offerees that the offeror has offered to purchase pursuant to the take-over bid. R.S.O. 1970, c. 426, s. 85.

94.—(1) A take-over bid circular shall form part of or accompany a take-over bid. Take-over bid circular

(2) Every take-over bid circular shall be in the form and shall contain the information prescribed by this Part and the regulations. Content

(3) Where a take-over bid provides that the consideration for the securities of the offeree company is to be, in whole or in part, securities of an issuer, the take-over bid circular shall contain the additional information prescribed by the regulations. R.S.O. 1970, c. 426, s. 86, *amended*. Consideration in securities

95.—(1) An issuer bid circular shall form part of or accompany an issuer bid. Issuer bid circular

(2) Every issuer bid circular shall be in the form and shall contain the information prescribed by this Part and the regulations. Contents

(3) Where an issuer bid provides that the consideration for the securities is to be, in whole or in part, other securities of the issuer the issuer bid circular shall contain the additional information prescribed by the regulations. *New*. Consideration in securities

96.—(1) The board of directors of an offeree company shall send a directors' circular to each offeree not later than ten days from the date of the take-over bid prepared in accordance with the regulations. R.S.O. 1970, c. 426, s. 87 (1), *amended*. Directors' circular

(2) The board of directors may include in a directors' circular a recommendation to accept or to reject a take-over bid if it sees fit to do so. *New*. Recommendation by board

(3) An individual director or officer may recommend to the offerees acceptance or rejection of the take-over bid made to such offerees if the director or officer sends to each offeree with his communication a circular prepared in accordance with the regulations. R.S.O. 1970, c. 426, s. 87 (4), *amended*. Recommendation by individual director

(4) Where a board of directors is considering recommending acceptance or rejection of a take-over bid, it shall, at the time of sending a director's circular, advise the offerees of this fact and may advise them not to tender their securities until further communication is received from the directors. R.S.O. 1970, c. 426, s. 87 (2), *amended*. Advising of consideration

(5) Where the board of directors sends a communication under subsection 4, it shall communicate the recommendation Advising of decision of directors

or the decision not to make a recommendation to the offerees at least seven days prior to the expiry of the offer. R.S.O. 1970, c. 426, s. 87 (3), *amended*.

Service

(6) All communications required or permitted by this section shall be sent to each offeree by prepaid mail to his latest address as shown on the books of the offeree company. R.S.O. 1970, c. 426, s. 87 (5).

Circulation of recommendation of individual director

(7) Where an individual director or officer submits a recommendation prepared in accordance with subsection 3 to the board of directors prior to the board of directors sending the directors' circular required by subsection 1, or the further communication permitted by subsection 5, the board of directors shall send a copy of the recommendation of the individual director or officer to the offerees together with the circular or further communication. *New*.

Approval of circulars

97.—(1) Where a take-over bid is made by or on behalf of an issuer, the contents of the take-over bid circular shall be approved and the delivery thereof authorized by the directors of the issuer. R.S.O. 1970, c. 426, s. 89 (1), *amended*.

Idem

(2) Where a take-over bid is made by or on behalf of an issuer, the take-over bid circular shall contain a statement that the contents thereof have been approved and the delivery thereof authorized by the directors of the issuer. R.S.O. 1970, c. 426, s. 93.

Idem

(3) The contents of a directors' circular shall be approved and the delivery thereof authorized by the directors of the offeree company. R.S.O. 1970, c. 426, s. 89 (2), *amended*.

Idem

98. The issuer bid circular shall be approved and the delivery thereof authorized by the directors of the issuer. *New*.

Applications to the Commission

99. Upon an application by an interested person or company, the Commission may, subject to such terms and conditions as it may impose,

(*a*) decide that an offeror shall not be obligated to comply with subsection 1 of section 91 where the Commission finds that the offeror will not or did not acquire through the offer the power or authority to control the business or affairs of the offeree company;

(*b*) where the Commission is satisfied that the market price of securities of any class determined in accordance with the regulations, by reference to the price of such securities as established by trades on a published market was affected by an anticipated take-over bid or by improper manipulation, determine the market price of such securities at any date, such determination to be based on a finding by the Commission as to the price at which a holder of securities of that class could reasonably have expected to dispose of his securities immediately prior to the relevant date excluding any change in price reasonably attributable to the anticipated take-over bid or to the improper manipulation;

(*c*) decide for purposes of section 91 that a consideration proposed to be offered by an offeror is, or is not, at least equal in value to the greatest consideration paid under the relevant agreements;

(*d*) decide for the purposes of section 91 that a collateral agreement or arrangement with a selling security holder is made for reasons other than to increase the value of the consideration paid to him for his securities and may be entered into notwithstanding that section; and

(*e*) exempt any person or company from any requirements of this Part where in its opinion it would not be prejudicial to the public interest to do so. R.S.O. 1970, c. 426, s. 90, *amended*.

Naming of offeror

100. The identity of the offeror shall be disclosed in a take-over bid circular. 1971, c. 31, s. 27, *amended*.

PART XX

INSIDER TRADING AND SELF-DEALING

Interpretation

101.—(1) In this Part,

(*a*) "mutual fund" means, except in section 107, a mutual fund that is a reporting issuer;

(*b*) "related mutual funds" includes more than one mutual fund under common management;

(*c*) "related person or company" in relation to a mutual fund means a person in whom, or a company

in which, the mutual fund, its management company and its distribution company are prohibited by the provisions of this Part from making any investment.

Idem

(2) For the purpose of this Part,

(*a*) any issuer in which a mutual fund holds in excess of 10 per cent of the voting securities or in which the mutual fund and related mutual funds hold in excess of 20 per cent of the voting securities shall be deemed to be a related person or company of that mutual fund or of each of those mutual funds;

(*b*) the acquisition or disposition by an insider of a put, call or other transferable option with respect to a security shall be deemed a change in the beneficial ownership of the security to which such put, call or other transferable option relates; and

(*c*) for the purpose of reporting under section 102 or 103, ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent. R.S.O. 1970, c. 426, s. 109, *amended.*

Report

102.—(1) A person or company who becomes an insider of a reporting issuer, other than a mutual fund, shall, within ten days after the end of the month in which he becomes an insider, file a report as of the day on which he became an insider disclosing any direct or indirect beneficial ownership of or control or direction over securities of the reporting issuer as may be required by the regulations.

Idem

(2) A person or company who has filed or is required to file a report under this section or any predecessor thereof and whose direct or indirect beneficial ownership of or control or direction over securities of the reporting issuer changes from that shown or required to be shown in the report or in the latest report filed by him under this section or any predecessor thereof shall, within ten days following the end of the month in which the change takes place, if he was an insider of the reporting issuer at any time during such month, file a report of his direct or indirect beneficial ownership of or his control or direction over securities of the reporting issuer at the end of the month and the change or changes therein that occurred during said month giving such details of each transaction as may be required by the regulations. R.S.O. 1970, c. 426, s. 110 (1, 2), *amended.*

(3) A person or company who becomes an insider of a reporting issuer by reason of subsection 8 or 9 of section 1 shall file the reports required by subsections 1 and 2 of this section for the previous six months or such shorter period that he was a director or officer of the reporting issuer within ten days after the end of the month that the issuer became an insider of a reporting issuer or the reporting issuer became an insider of another reporting issuer as the case may be. *New.* Idem.

103.—(1) Where a person or company becomes the beneficial owner, directly or indirectly, of voting securities of a reporting issuer carrying 20 per cent or more of the voting rights attached to all voting securities for the time being outstanding, through purchases effected through a take-over bid or issuer bid exempted from the requirements of Part XIX by subsection 2 or subsection 3 of section 88, such person or company shall file a report as of the day on which he acquired the ownership within three days of acquiring such 20 per cent ownership. Report of offeror

(2) A person or company who is the beneficial owner, directly or indirectly, of voting securities of a reporting issuer carrying 20 per cent or more of the voting rights attached to all voting securities for the time being outstanding shall, within three days of purchasing further voting securities carrying an additional 5 per cent of the voting rights, file a report as of the day on which he acquired an additional 5 per cent of the voting rights and thereafter each time he acquires a further 5 per cent. Idem

(3) Where the facts required to be reported by this section are identical to those required under section 102, a separate report under section 102 is not required. 1971, c. 31, s. 33, *amended.* Idem

104. No insider of a reporting issuer shall transfer or cause to be transferred any securities of the reporting issuer into the name of an agent, nominee or custodian without delivering to the Commission a report of such transfer in accordance with the regulations except for a transfer for the purpose of giving collateral for a *bona fide* debt. *New.* Report of transfer by insider

105. Where voting securities are registered in the name of a person or company other than the beneficial owner and the person or company knows that they are beneficially owned by an insider and that the insider has failed to file a report of such ownership with the Commission as required by this Part, the person or company shall file a report in Report of transfer by insider

accordance with the regulations except where the transfer was for the purpose of giving collateral for a *bona fide* debt. *New.*

Interpretation

106. For the purposes of sections 107, 108, 109, 110 and 111,

(*a*) "investment" means a purchase of any security of any class of securities of an issuer including bonds, debentures, notes, or other evidences of indebtedness thereof, and a loan to persons or companies but does not include an advance or loan, whether secured or unsecured, that is made by a mutual fund, its management company or its distribution company that is merely ancillary to the main business of the mutual fund, its management company or its distribution company;

(*b*) a person or company or a group of persons or companies has a significant interest in an issuer, if,

(i) in the case of a person or company, he or it, as the case may be, owns beneficially, either directly or indirectly, more than 10 per cent, or

(ii) in the case of a group of persons or companies, they own beneficially, either individually or together and either directly or indirectly, more than 50 per cent,

of the outstanding shares or units of the issuer;

(*c*) a person or company or a group of persons or companies is a substantial security holder of an issuer if that person or company or group of persons or companies owns beneficially, either individually or together or directly or indirectly, voting securities to which are attached more than 20 per cent of the voting rights attached to all the voting securities of the issuer for the time being outstanding, but in computing the percentage of voting rights attached to voting securities owned by an underwriter, there shall be excluded any voting securities acquired by him as underwriter in a distribution of such securities but such exclusion ceases to have effect on completion or cessation of the distribution by him;

(*d*) where a person or company or group of persons or companies owns beneficially, directly or indirectly, or pursuant to this clause is deemed to own beneficially, voting securities of an issuer, that person or company or group of persons or companies shall be deemed to own beneficially a proportion of voting securities of any other issuer that are owned beneficially, directly or indirectly, by the first mentioned issuer, which proportion shall equal the proportion of the voting securities of the first mentioned issuer that are owned beneficially, directly or indirectly, or that pursuant to this clause are deemed to be owned beneficially, by that person or company or group of persons or companies. *New*.

Loans of mutual funds in Ontario

107.—(1) No mutual fund in Ontario shall knowingly make an investment by way of loan to,

(*a*) any officer or director of the mutual fund, its management company or distribution company or an associate of any of them;

(*b*) any individual, where the individual or an associate of the individual is a substantial security holder of the mutual fund, its management company or distribution company.

Investments of mutual funds, etc.

(2) No mutual fund in Ontario shall knowingly make an investment,

(*a*) in any person or company who is a substantial security holder of the mutual fund, its management company or distribution company;

(*b*) in any person or company in which the mutual fund, alone or together with one or more related mutual funds, is a substantial security holder; or

(*c*) in an issuer in which,

(i) any officer or director of the mutual fund, its management company or distribution company or an associate of any of them, or

(ii) any person or company who is a substantial security holder of the mutual fund, its management company or its distribution company,

has a significant interest.

Divesting of prohibited loans and investments

(3) No mutual fund in Ontario or its management company or its distribution company shall knowingly hold an investment made after the coming into force of this Act that is an investment described in this section. *New.*

Indirect investment

108. No mutual fund or its management company or its distribution company shall knowingly enter into any contract or other arrangement that results in its being directly or indirectly liable or contingently liable in respect of any investment by way of loan to, or other investment in, a person or company to whom it is by section 107 prohibited from making a loan or in which it is prohibited from making any other investment, and for the purpose of section 107 any such contract or other arrangement shall be deemed to be a loan or an investment, as the case may be. *New.*

Relieving orders

109. Upon an application of an interested person or company, the Commission may, where it is satisfied,

(*a*) that a class of investment or a particular investment represents the business judgment of responsible persons uninfluenced by considerations other than the best interests of a mutual fund; or

(*b*) that a particular investment is in fact in the best interests of a mutual fund,

order, subject to such terms and conditions as it may impose, that section 107 or 108 does not apply to the class of investment, particular investment, contract or other arrangement, as the case may be. *New.*

Exception to s. 106 (*d*)

110. Notwithstanding clause *d* of section 106, a mutual fund is not prohibited from making an investment in an issuer only because a person or company or a group of persons or companies who own beneficially, directly or indirectly, or are deemed to own beneficially, voting securities of the mutual fund or its management company or its distribution company are by reason thereof deemed to own beneficially voting securities of the issuer. *New.*

Fees on investment

111.—(1) No mutual fund shall make any investment in consequence of which a related person or company of the mutual fund will receive any fee or other compensation except fees paid pursuant to a contract which is disclosed in any preliminary prospectus or prospectus, or any amendment to either of them, that is filed by the mutual fund and is accepted by the Director.

(2) The Commission may, upon the application of a mutual fund and where it is satisfied that it would not be prejudicial to the public interest to do so, order, subject to such terms and conditions as it may impose, that subsection 1 does not apply to the mutual fund. *New.* **Relieving orders**

112.—(1) Every person or company responsible for the management of a mutual fund shall exercise the powers and discharge the duties of its office honestly, in good faith and in the best interests of the mutual fund, and in connection therewith shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in the circumstances. **Standard of care for management of mutual fund**

(2) For the purposes of subsection 1, a person or company is responsible for the management of a mutual fund if he has legal power or right to control the mutual fund or if in fact he is able to do so. *New.* **Idem**

113.—(1) Every management company shall file a report prepared in accordance with the regulations of, **Filing by management companies**

(*a*) every transaction of purchase or sale of securities between the mutual fund and any related person or company;

(*b*) every loan received by the mutual fund from, or made by the mutual fund to, any of its related persons or companies;

(*c*) every purchase or sale effected by the mutual fund through any related person or company with respect to which the related person or company received a fee either from the mutual fund or from the other party to the transaction or from both; and

(*d*) any transaction in which, by arrangement other than an arrangement relating to insider trading in portfolio securities, the mutual fund is a joint participant with one or more of its related persons or companies,

in respect of each mutual fund to which it provides services or advice, within thirty days after the end of the month in which it occurs.

(2) The Commission may, upon the application of the management company of a mutual fund and where it is **Relieving orders**

of the opinion that it would not be prejudicial to the public interest to do so, order, subject to such terms and conditions as it may impose, that subsection 1 does not apply to any transaction or class of transactions. *New.*

"responsible person" defined

114.—(1) In this section, "responsible person" means a portfolio manager and every individual who is a partner, director or officer of a portfolio manager together with every affiliate of a portfolio manager and every individual who is a director, officer or employee of such affiliate or who is an employee of the portfolio manager, if the affiliate or the individual participates in the formulation of, or has access prior to implementation to investment decisions made on behalf of or the advice given to the client of the portfolio manager.

Interest of manager in investment portfolio

(2) The portfolio manager shall not knowingly cause any investment portfolio managed by it to,

(*a*) invest in any issuer in which a responsible person or an associate of a responsible person is an officer or director unless the specific fact is disclosed to the client and the written consent of the client to the investment is obtained before the purchase;

(*b*) purchase or sell the securities of any issuer from or to the account of a responsible person, any associate of a responsible person or the portfolio manager; or

(*c*) make a loan to a responsible person or an associate of a responsible person or the portfolio manager.

Exemption of portfolio managers on terms and conditions

(3) Where the Commission determines that a portfolio manager or a class of portfolio managers is subject to regulations, imposed by a self-regulatory organization, to substantially the same effect as the requirements set out in subsection 2, the Commission may, subject to such terms and conditions as the Commission may impose, exempt the portfolio manager or class of portfolio managers from the requirements of subsection 2. *New.*

Trades by mutual fund insiders

115. No person or company who has access to information concerning the investment program of a mutual fund or the investment portfolio managed for a client by a portfolio manager shall purchase or sell securities of an issuer for his or its account where the portfolio securities of the mutual fund or the investment portfolio managed for a client by a portfolio manager include securities of that issuer and where the information is used by the person or company for his or its direct benefit or advantage. *New.*

116. The Commission shall summarize in or as a part of a monthly periodical available to the public on payment of a reasonable fee the information contained in every report filed in compliance with this Part. R.S.O. 1970, c. 426, s. 111 (2). Publication of summaries of reports

117.—(1) Where the laws of the jurisdiction in which the reporting issuer is incorporated, organized or continued require substantially the same reports in that jurisdiction as are required by this Part, the filing requirements of this Part may be complied with by filing the reports required by the laws of such jurisdiction manually signed or certified in accordance with the regulations. *New.* Filing in other jurisdiction

(2) Subject to subsection 1, the Commission may, Exemptions by order of Commission

(*a*) upon the application of an interested person or company,

(i) if a requirement of this Part conflicts with a requirement of the laws of the jurisdiction under which the reporting issuer is incorporated, organized or continued, or

(ii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing; or

(*b*) of its own motion,

make an order on such terms and conditions as seem to the Commission just and expedient, exempting in whole or in part, a person or company, class of persons or companies or class of transactions from the requirements of this Part. R.S.O. 1970, c. 426, s. 116 (1), *amended.*

PART XXI

ENFORCEMENT

118.—(1) Every person or company who, Offences, general

(*a*) makes a statement in any material, evidence or information submitted or given under this Act or the regulations to the Commission, its representative, the Director or any person appointed to make an investigation or audit under this Act that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;

(*b*) makes a statement in any application, release, report, preliminary prospectus, prospectus, return, financial statement, information circular, take-over bid circular, issuer bid circular or other document required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;

(*c*) contravenes this Act or the regulations; or

(*d*) fails to observe or to comply with any direction, decision, ruling, order or other requirement made under this Act or the regulations,

is guilty of an offence and on summary conviction is liable, in the case of a person, other than an individual, or company, to a fine of not more than $25,000 and, in the case of an individual, to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Defence

(2) No person or company is guilty of an offence under clause *a* or *b* of subsection 1 if he or it, as the case may be, did not know and in the exercise of reasonable diligence could not have known that the statement was a misrepresentation.

Directors and officers

(3) Where a company or a person other than an individual is guilty of an offence under subsection 1, every director or officer of such company or person who authorized, permitted, or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1970, c. 426, s. 137 (1-3), *amended*.

Consent of Minister

119. No proceedings under section 118 shall be instituted except with the consent or under the direction of the Minister. R.S.O. 1970, c. 426, s. 138 (1).

Information containing more than one offence

120. An information in respect of any contravention of this Act may be for one or more offences, and no information, summons, warrant, conviction or other proceeding in any prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. R.S.O. 1970, c. 426, s. 139.

Execution of warrant issued in another province

121.—(1) Where a provincial judge, magistrate or justice of another province or territory of Canada issues a warrant

for the arrest of any person on a charge of contravening any provision of a statute of such province or territory similar to this Act, any provincial judge or justice of Ontario within whose jurisdiction that person is or is suspected to be, may, upon satisfactory proof of the handwriting of the provincial judge, magistrate or a justice who issued the warrant, make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed is sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all constables within the territorial jurisidction of the provincial judge or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to rearrest such person anywhere in Ontario.

Prisoner in transit

(2) Any constable of Ontario or of any other province or territory of Canada who is passing through Ontario having in his custody a person arrested in another province or territory under a warrant endorsed under subsection 1 is entitled to hold, take and rearrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof. R.S.O. 1970, c. 426, s. 149.

Order for compliance

122.—(1) Where it appears to the Commission that any person or company has failed to comply with or is violating any decision or any provision of this Act or the regulations, the Commission may, notwithstanding the imposition of any penalty in respect of such non-compliance or violation and in addition to any other rights it may have, apply to a judge of the High Court for an order,

(*a*) directing the person or company to comply with the decision or provision or restraining the person or company from violating the decision or provision; and

(*b*) directing the directors and senior officers of the person or company to cause the person or company to comply with or to cease violating the decision or provision,

and upon the application the judge may make such order, or such other order as he thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1. R.S.O. 1970, c. 426, s. 143, *amended*.

Order to cease trading

123.—(1) The Commission may, where in its opinion such action is in the public interest, order, subject to such terms and conditions as it may impose, that trading shall cease in respect of any securities for such period as is specified in the order. R.S.O. 1970, c. 426, s. 144 (1).

Idem

(2) The Commission may issue a cease trading order under subsection 1 notwithstanding the delivery of a report to it pursuant to subsection 3 of section 74. *New.*

Temporary order

(3) No order shall be made under subsection 1 or 2 without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event the Commission may make a temporary order, which shall not be for longer than fifteen days from the date of the making thereof, but the order may be extended for such period as the Commission considers necessary where satisfactory information is not provided to the Commission within the fifteen day period. R.S.O. 1970, c. 426, s. 144 (2), *amended.*

Commission's discretion to remove exemptions

124.—(1) The Commission may, where in its opinion such action is in the public interest, order, subject to such terms and conditions as it may impose, that any or all of the exemptions contained in sections 34, 71, 72 and 88 do not apply to the person or company named in the order.

Temporary order and hearing

(2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall not be for longer than fifteen days from the date of the making thereof unless the hearing is commenced in which case the Commission may extend the order until the hearing is concluded.

Notice

(3) Notice of a temporary order made under subsection 2 shall be given forthwith together with the notice of the hearing under subsection 2 to every person or company who in the opinion of the Commission is directly affected thereby. R.S.O. 1970, c. 426, s. 19 (5-7), *amended.*

Limitation period

125.—(1) No proceedings under this Part shall be commenced in a court more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission.

Idem

(2) No proceedings under this Act shall be commenced before the Commission more than two years after the facts upon which the proceedings are based first came to the

knowledge of the Commission. R.S.O. 1970, c. 426, s. 138 (2, 3), *amended*.

PART XXII

CIVIL LIABILITY

Liability for misrepresentation in prospectus

126.—(1) Where a prospectus together with any amendment to the prospectus contains a misrepresentation, a purchaser who purchases a security offered thereby during the period of distribution or distribution to the public shall be deemed to have relied on such misrepresentation if it was a misrepresentation at the time of purchase and has a right of action for damages against,

(*a*) the issuer or a selling security holder on whose behalf the distribution is made;

(*b*) each underwriter of the securities who is required to sign the certificate required by section 58;

(*c*) every director of the issuer at the time the prospectus or the amendment to the prospectus was filed;

(*d*) every person or company whose consent has been filed pursuant to a requirement of the regulations but only with respect to reports, opinions or statements that have been made by them; and

(*e*) every person or company who signed the prospectus or the amendment to the prospectus other than the persons or companies included in clauses *a* to *d*,

or, where the purchaser purchased the security from a person or company referred to in clause *a* or *b* or from another underwriter of the securities, he may elect to exercise a right of rescission against such person, company or underwriter, in which case he shall have no right of action for damages against such person, company or underwriter.

Defence

(2) No person or company is liable under subsection 1 if he proves that the purchaser purchased the securities with knowledge of the misrepresentation.

Idem

(3) No person or company, other than the issuer or selling security holder, is liable under subsection 1 if he proves,

(*a*) that the prospectus or the amendment to the prospectus was filed without his knowledge or consent, and that, on becoming aware of its filing, he forth-

with gave reasonable general notice that it was so filed;

(*b*) that, after the issue of a receipt for the prospectus and before the purchase of the securities by the purchaser, on becoming aware of any misrepresentation in the prospectus or an amendment to the prospectus he withdrew his consent thereto and gave reasonable general notice of such withdrawal and the reason therefor;

(*c*) that, with respect to any part of the prospectus or the amendment to the prospectus purporting to be made on the authority of an expert or purporting to be a copy of or an extract from a report, opinion or statement of an expert, he had no reasonable grounds to believe and did not believe that there had been a misrepresentation or that such part of the prospectus or the amendment to the prospectus did not fairly represent the report, opinion or statement of the expert or was not a fair copy of or extract from the report, opinion or statement of the expert;

(*d*) that, with respect to any part of the prospectus or the amendment to the prospectus purporting to be made on his own authority as an expert or purporting to be a copy of or an extract from his own report, opinion or statement as an expert but that contains a misrepresentation attributable to failure to represent fairly his report, opinion or statement as an expert,

(i) he had, after reasonable investigation, reasonable grounds to believe and did believe that such part of the prospectus or the amendment to the prospectus fairly represented his report, opinion or statement, or

(ii) on becoming aware that such part of the prospectus or the amendment to the prospectus did not fairly represent his report, opinion or statement as an expert, he forthwith advised the Commission and gave reasonable general notice that such use had been made and that he would not be responsible for that part of the prospectus or the amendment to the prospectus; or

(*e*) that, with respect to a false statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement or copy of or extract from the document, and he had reasonable grounds to believe and did believe that the statement was true.

Idem

(4) No person or company, other than the issuer or selling security holder, is liable under subsection 1 with respect to any part of the prospectus or the amendment to the prospectus purporting to be made on his own authority as an expert or purporting to be a copy of or an extract from his own report, opinion or statement as an expert unless he,

(*a*) failed to conduct such reasonable investigation as to provide reasonable grounds for a belief that there had been no misrepresentation; or

(*b*) believed there had been a misrepresentation.

Idem

(5) No person or company, other than the issuer or selling security holder, is liable under subsection 1 with respect to any part of the prospectus or the amendment to the prospectus not purporting to be made on the authority of an expert and not purporting to be a copy of or an extract from a report, opinion or statement of an expert unless he,

(*a*) failed to conduct such reasonable investigation as to provide reasonable grounds for a belief that there had been no misrepresentation; or

(*b*) believed there had been a misrepresentation.

Limitation re underwriters

(6) No underwriter is liable for more than the total public offering price represented by the portion of the distribution underwritten by him.

Limitation in action for damages

(7) In an action for damages pursuant to subsection 1, the defendant is not liable for all or any portion of such damages that he proves do not represent the depreciation in value of the security as a result of the misrepresentation relied upon.

Joint and several liability

(8) All or any one or more of the persons or companies specified in subsection 1 are jointly and severally liable, and every person or company who becomes liable to make any payment under this section may recover a contribution from

any person or company who, if sued separately, would have been liable to make the same payment provided that the court may deny the right to recover such contribution where, in all the circumstances of the case, it is satisfied that to permit recovery of such contribution would not be just and equitable.

Limitation re amount recoverable

(9) In no case shall the amount recoverable under this section exceed the price at which the securities were offered to the public.

No derogation of rights

(10) The right of action for rescission or damages conferred by this section is in addition to and without derogation from any other right the purchaser may have at law. R.S.O. 1970, c. 426, s. 142, *amended*.

Liability for misrepresentation in circular

127.—(1) Where a take-over bid circular sent to the offerees of an offeree company as required by Part XIX contains a misrepresentation, every such offeree shall be deemed to have relied on such misrepresentation and may elect to exercise a right of action for rescission or damages against the offeror or a right of action for damages against,

(*a*) every person who at the time the circular was signed was a director of the offeror;

(*b*) every person or company whose consent has been filed pursuant to a requirement of the regulations but only with respect to reports, opinions or statements that have been made by them; and

(*c*) each person who signed a certificate in the circular other than the persons included in clause *a*.

Idem

(2) Where a directors' circular or a director's or officer's circular sent to the offerees of an offeree company as required by Part XIX contains a misrepresentation, every such offeree shall be deemed to have relied on such misrepresentation and has a right of action for damages against every director or officer who signed the circular.

Idem

(3) The provisions of subsection 1 apply *mutatis mutandis* where an issuer bid circular contains a misrepresentation.

Defence

(4) No person or company is liable under subsection 1, 2 or 3 if he proves that the offeree had knowledge of the misrepresentation.

Idem

(5) No person or company, other than the offeror, is liable under subsection 1, 2 or 3 if he proves,

(*a*) that the take-over bid circular, issuer bid circular, directors' circular or director's or officer's circular, as the case may be, was sent without his knowledge or consent and that, on becoming aware of it, he forthwith gave reasonable general notice that it was so sent;

(*b*) that, after the sending of the take-over bid circular, issuer bid circular, directors' circular or director's or officer's circular, as the case may be, on becoming aware of any misrepresentation in the take-over bid circular, issuer bid circular, directors' circular or director's or officer's circular, he withdrew his consent thereto and gave reasonable general notice of the withdrawal and the reason therefor;

(*c*) that, with respect to any part of the circular purporting to be made on the authority of an expert or purporting to be a copy of or an extract from a report, opinion or statement of an expert, he had no reasonable grounds to believe and did not believe that there had been a misrepresentation or that such part of the circular did not fairly represent the report, opinion or statement of the expert or was not a fair copy of or extract from the report, opinion or statement of the expert;

(*d*) that, with respect to any part of the circular purporting to be made on his own authority as an expert or purporting to be a copy of or an extract from his own report, opinion or statement as an expert, but that contains a misrepresentation attributable to failure to represent fairly his report, opinion or statement as an expert,

(i) he had, after reasonable investigation, reasonable grounds to believe and did believe that such part of the circular fairly represented his report, opinion or statement as an expert, or

(ii) on becoming aware that such part of the circular did not fairly represent his report, opinion or statement as an expert, he forthwith advised the Commission and gave reasonable general notice that such use had been made and that he would not be responsible for that part of the circular; or

(*e*) that, with respect to a false statement purporting to be a statement made by an official person or

contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement or copy of or extract from the document and he had reasonable grounds to believe and did believe that the statement was true.

Idem

(6) No person or company, other than the offeror, is liable under subsection 1, 2 or 3 with respect to any part of the circular purporting to be made on his own authority as an expert or purporting to be a copy of or an extract from his own report, opinion or statement as an expert unless he,

(*a*) failed to conduct such reasonable investigation as to provide reasonable grounds for a belief that there had been no misrepresentation; or

(*b*) believed there had been a misrepresentation.

Idem

(7) No person or company, other than the offeror, is liable under subsection 1, 2 or 3 with respect to any part of the circular not purporting to be made on the authority of an expert and not purporting to be a copy of or an extract from a report, opinion or statement of an expert unless he,

(*a*) failed to conduct such reasonable investigation as to provide reasonable grounds for a belief that there had been no misrepresentation; or

(*b*) believed there had been a misrepresentation.

Joint and several liability

(8) All or any one or more of the persons or companies specified in subsection 1, 2 or 3 are jointly and severally liable, and every person or company who becomes liable to make any payment under this section may recover a contribution from any person or company who, if sued separately, would have been liable to make the same payment provided that the court may deny the right to recover such contribution where, in all the circumstances of the case, it is satisfied that to permit recovery of such contribution would not be just and equitable.

Limitation of damages

(9) In an action for damages pursuant to subsection 1, 2 or 3 based on a misrepresentation affecting a security offered by the offeror company in exchange for securities of the offeree company, the defendant is not liable for all or any portion of such damages that he proves do not represent the depreciation in value of the security as a result of the misrepresentation.

(10) Where the offeror,

Deemed take-over bid circular or issuer bid circular

(*a*) in a take-over bid exempted from the provisions of Part XIX by clause *a* of subsection 2 of section 88; or

(*b*) in an issuer bid exempted from the provisions of Part XIX by clause *c* of subsection 3 of section 88,

is required by the by-laws, regulations or policies of the stock exchange through the facilities of which the take-over bid or issuer bid is made to file with it or to deliver to offerees a disclosure document, the disclosure document shall be deemed, for the purposes of this section, to be a take-over bid circular or issuer bid circular, as the case may be, sent to the offerees as required by Part XIX.

No derogation of rights

(11) The right of action for rescission or damages conferred by this section is in addition to and without derogation from any other right the offeree may have at law. 1971, c. 31, ss. 29, 45, *amended*.

Standard of reasonableness

128. In determining what constitutes reasonable investigation or reasonable grounds for belief for the purposes of sections 126 and 127, the standard of reasonableness shall be that required of a prudent man in the circumstances of the particular case. *New*.

Liability for failure to make follow-up offer or to take up securities

129. An offeror who,

(*a*) does not make the offer to purchase required to be made by subsection 1 of section 91 at a consideration having a value at least equal to that required thereby; or

(*b*) does not take up securities duly deposited under the offer referred to in clause *a*,

is liable to pay to the security holders entitled to receive the offer to purchase, or whose duly deposited securities were not taken up, a consideration per security equal in value to the minimum consideration at which the offer is required by that subsection to be made, or to the excess thereof over the value of the consideration actually offered, together with damages, if any. *New*.

Liability of dealer or offeror

130. A purchaser of a security to whom a prospectus was required to be sent or delivered but was not sent or delivered in compliance with subsection 1 of section 70 or an offeree to whom a take-over bid circular or issuer bid

circular was required to be communicated but was not communicated in compliance with section 92 has a right of action for rescission or damages against the dealer or offeror who failed to comply with the applicable requirement. R.S.O. 1970, c. 426, s. 65; 1971, c. 31, s. 20, *amended*.

Liability of vendor and informer where material fact or change undisclosed

131.—(1) Every person or company in a special relationship with a reporting issuer who sells the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed and every person in a special relationship with the reporting issuer who, directly or indirectly, informs the vendor of the material fact or material change other than in the necessary course of business is liable to compensate the purchaser of the securities for damages as a result of the trade unless,

(*a*) the vendor or informer, as the case may be, had reasonable grounds to believe that the material fact or material change had been generally disclosed;

(*b*) the material fact or material change was known or ought reasonably to have been known to the purchaser; or

(*c*) the vendor or informer, as the case may be, proves that the vendor did not make use of knowledge of the material fact or material change in selling the securities.

Liability of purchaser and informer where material fact or change undisclosed

(2) Every person or company in a special relationship with a reporting issuer who purchases the securities of a reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed and every person in a special relationship with the reporting issuer who, directly or indirectly, informs the purchaser of the material fact or material change other than in the necessary course of business is liable to compensate the vendor of the securities for damages as a result of the trade unless,

(*a*) the purchaser or informer, as the case may be, had reasonable grounds to believe that the material fact or material change had been generally disclosed;

(*b*) the material fact or material change was known or ought reasonably to have been known to the vendor; or

(*c*) the purchaser or informer, as the case may be, proves that the purchaser did not make use of

knowledge of the material fact or material change in purchasing the securities.

(3) Any person or company who has access to information concerning the investment program of a mutual fund in Ontario or the investment portfolio managed for a client by a portfolio manager or by a registered dealer acting as a portfolio manager and uses that information for his or its direct benefit or advantage to purchase or sell securities of an issuer for his or its account where the portfolio securities of the mutual fund or the investment portfolio managed for the client by the portfolio manager or registered dealer include securities of that issuer is accountable to the mutual fund or the client of the portfolio manager or registered dealer, as the case may be, for any benefit or advantage received or receivable as a result of such purchase or sale. Idem

(4) Every, Accountability for gain

(*a*) vendor or informer referred to in subsection 1; and

(*b*) purchaser or informer referred to in subsection 2,

who is also an insider of the reporting issuer, or who is an associate or affiliate of such insider, is, in addition to the liability imposed by subsection 1 or 2, accountable to the reporting issuer for any benefit or advantage received or receivable by the insider or associate or affiliate, as the case may be. R.S.O. 1970, c. 426, s. 65; 1971, c. 31, s. 20, *amended*.

(5) The liability of, Liability joint and several

(*a*) the vendor and any informer under subsection 1; and

(*b*) the purchaser and any informer under subsection 2,

is joint and several.

(6) In assessing damages under subsection 1 or 2, the court shall consider, Measure of damages

(*a*) if the plaintiff is a purchaser, the price that he paid for the security less the average market price of the security in the twenty trading days following general disclosure of the material fact or material change; or

(*b*) if the plaintiff is a vendor, the average market price of the security in the twenty trading days

following general disclosure of the material fact or material change less the price that he received for the security,

but the court may instead consider such other measures of damages as may be relevant in the circumstances.

Interpretation

(7) For the purposes of this section, a person or company is in a special relationship with a reporting issuer where,

(*a*) the person or company is an insider or an affiliate of the reporting issuer;

(*b*) the person is a director, officer or employee of the reporting issuer or of a company that is an insider or an affiliate of the reporting issuer;

(*c*) the person or company has engaged, is engaging in or proposes to engage in any business or professional activities with or on behalf of the reporting issuer and thereby has acquired knowledge of the material fact or material change; or

(*d*) the person or company is an associate of the reporting issuer or of any person or company referred to in clause *a*, *b* or *c*. *New*.

Action by Commission on behalf of issuer

132.—(1) Upon application by the Commission or by any person or company who was at the time of a transaction referred to in subsection 1 or 2 of section 131 or is at the time of the application a security holder of the reporting issuer, a judge of the High Court may, if satisfied that,

(*a*) the Commission or the person or company has reasonable grounds for believing that the reporting issuer has a cause of action under subsection 4 of section 131; and

(*b*) either,

(i) the reporting issuer has refused or failed to commence an action under section 131 within sixty days after receipt of a written request from the Commission or such person or company so to do, or

(ii) the reporting issuer has failed to prosecute diligently an action commenced by it under section 131,

make an order, upon such terms as to security for costs and otherwise as to the Judge seems fit, requiring the Commission or authorizing such person or company or the Commission to commence or continue an action in the name of and on behalf of the reporting issuer to enforce the liability created by subsection 4 of section 131.

Action by Commission on behalf of mutual fund

(2) Upon the application by the Commission or any person or company who was at the time of a transaction referred to in subsection 3 of section 131 or is at the time of the application a security holder of the mutual fund, a judge of the High Court may, if satisfied that,

(*a*) the Commission or the person or company has reasonable grounds for believing that the mutual fund has a cause of action under subsection 3 of section 131; and

(*b*) the mutual fund has either,

(i) refused or failed to commence an action under subsection 3 of section 131 within sixty days after receipt of a written request from the Commission or the person or company so to do, or

(ii) failed to prosecute diligently an action commenced by it under subsection 3 of section 131,

make an order, upon terms as to security for costs or otherwise as to the judge seems proper, requiring the Commission or authorizing the person or company or the Commission to commence and prosecute or to continue an action in the name of and on behalf of the mutual fund to enforce the liability created by subsection 3 of section 131.

Costs

(3) Where an action under subsection 3 or 4 of section 131 is,

(*a*) commenced;

(*b*) commenced and prosecuted; or

(*c*) continued,

by a board of directors of a reporting issuer, the trial judge or a judge of the High Court may order that the costs properly incurred by the board of directors in commencing, commencing and prosecuting or continuing the action, as

the case may be, shall be paid by the reporting issuer, if he is satisfied that the action was *prima facie* in the best interests of the reporting issuer and the security holders thereof.

Action by Commission on behalf of security holder of the reporting issuer

(4) Where an action under subsection 3 or 4 of section 131 is,

(*a*) commenced;

(*b*) commenced and prosecuted; or

(*c*) continued,

by a person or company who is a security holder of the reporting issuer, the trial judge or a judge of the High Court may order that the costs properly incurred by such person or company in commencing, commencing and prosecuting or continuing the action, as the case may be, shall be paid by the reporting issuer, if he is satisfied that,

(*d*) the reporting issuer failed to commence the action or had commenced it but had failed to prosecute it diligently; and

(*e*) the continuance of the action is *prima facie* in the best interests of the reporting issuer and the security holders thereof.

Idem

(5) Where an action under subsection 3 or 4 of section 131 is,

(*a*) commenced;

(*b*) commenced and prosecuted; or

(*c*) continued,

by the Commission, the trial judge or a judge of the High Court shall order the reporting issuer to pay all costs properly incurred by the Commission in commencing, commencing and prosecuting or continuing the action, as the case may be.

Idem

(6) In determining whether an action or its continuance is *prima facie* in the best interests of a reporting issuer and the security holders thereof, the judge shall consider the relationship between the potential benefit to be derived from the action by the reporting issuer and the security holders thereof and the cost involved in the prosecution of the action.

(7) Notice of every application under subsection 1 or 2 shall be given to the Commission, the reporting issuer, or the mutual fund, as the case may be, and each of them may appear and be heard thereon. Notice of application

(8) Every order made under subsection 1 or 2 requiring or authorizing the Commission to commence and prosecute or continue an action shall provide that the reporting issuer or mutual fund, as the case may be, shall co-operate fully with the Commission in the commencement and prosecution or continuation of the action, and shall make available to the Commission all books, records, documents and other material or information known to the reporting issuer or mutual fund or reasonably ascertainable by the reporting issuer or mutual fund relevant to such action. Order to co-operate

(9) An appeal lies to the Supreme Court from any order made under this section. *New.* Appeal

133.—(1) If subsection 1 of section 38 applies to a contract and such subsection is not complied with, a person or company who has entered into the contract is entitled to rescission thereof by mailing or delivering written notice of rescission to the registered dealer within sixty days of the date of the delivery of the security to or by the person or company, as the case may be, but, in the case of a purchase by the person or company, only if he is still the owner of the security purchased. Rescission of contract

(2) If clause *c* of subsection 1 of section 35 applies to a contract and a registered dealer has failed to comply with such subsection by not disclosing that he acted as principal, a person or company who has entered into the contract is entitled to rescission thereof by mailing or delivering written notice of rescission to the registered dealer within seven days of the date of the delivery of the written confirmation of the contract. R.S.O. 1970, c. 426, s. 71 (1, 2), *amended.* Idem

(3) For the purpose of subsection 2, a confirmation sent by prepaid mail shall be deemed conclusively to have been delivered to the person or company to whom it was addressed in the ordinary course of mail. *New.* Service

(4) In an action respecting a rescission to which this section applies, the onus of proving compliance with section 35 or 38 is upon the registered dealer. Onus

Limitation period

(5) No action respecting a rescission shall be commenced under this section after the expiration of a period of ninety days from the date of the mailing or delivering the notice under subsection 1 or 2. R.S.O. 1970, c. 426, s. 71 (3, 4), *amended*.

Rescission of purchase of mutual fund security

134.—(1) Every purchaser of a security of a mutual fund in Ontario may, where the amount of the purchase does not exceed the sum of $50,000, rescind the purchase by notice given to the registered dealer from whom the purchase was made within forty-eight hours after receipt of the confirmation for a lump sum purchase or within sixty days after receipt of the confirmation for the initial payment under a contractual plan but, subject to subsection 5, the amount the purchaser is entitled to recover on exercise of this right to rescind shall not exceed the net asset value of the securities purchased, at the time the right is exercised.

Idem

(2) The right to rescind a purchase made under a contractual plan may be exercised only with respect to payments scheduled to be made within the time specified in subsection 1 for rescinding a purchase made under a contractual plan.

Notice

(3) The notice mentioned in subsection 1 shall be in writing, and may be given by prepaid mail, telegram or other means.

Service

(4) A confirmation sent by prepaid mail shall be deemed conclusively to have been received in the ordinary course of mail by the person or company to whom it was addressed.

Reimbursement

(5) Every registered dealer from whom the purchase was made shall reimburse the purchaser who has exercised his right of rescission in accordance with this section for the amount of sales charges and fees relevant to the investment of the purchaser in the mutual fund in respect of the shares or units of which the notice of exercise of the right of rescission was given. *New*.

Limitation periods

135. Unless otherwise provided in this Act, no action shall be commenced to enforce a right created by this Part more than,

(*a*) in the case of an action for rescission, 180 days after the date of the transaction that gave rise to the cause of action; or

(*b*) in the case of any action, other than an action for rescission, the earlier of,

(i) 180 days after the plaintiff first had knowledge of the facts giving rise to the cause of action, or

(ii) three years after the date of the transaction that gave rise to the cause of action. *New.*

PART XXIII

GENERAL PROVISIONS

Admissibility in evidence of certified statements

136. A statement as to,

(*a*) the registration or non-registration of any person or company;

(*b*) the filing or non-filing of any document or material required or permitted to be filed;

(*c*) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, company, document or material; or

(*d*) the date the facts upon which any proceedings are to be based first came to the knowledge of the Commission,

purporting to be certified by the Commission or a member thereof or by the Director is, without proof of the office or signature of the person certifying, admissible in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution. R.S.O. 1970, c. 426, s. 148, *amended.*

Filing and inspection of material

137.—(1) Where this Act or the regulations require that material be filed, the filing shall be effected by depositing the material, or causing it to be deposited, with the Commission and all material so filed shall, subject to subsection 2, be made available by the Commission for public inspection during the normal business hours of the Commission.

Idem

(2) Notwithstanding subsection 1, the Commission may hold material or any class of material required to be filed by this Act in confidence so long as the Commission is of the opinion that the material so held discloses intimate financial, personal or other information and that the desirability of avoiding disclosure thereof in the interests of any person or company affected outweighs the desirability of adhering to the principle that material filed with the Commission be available to the public for inspection. *New.*

Immunity of Commission and officers

138.—(1) No action or other proceeding for damages shall be instituted against the Commission or any member thereof, or any officer, servant or agent of the Commission for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Immunity re intended compliance

(2) No person or company has any rights or remedies and no proceedings lie or shall be brought against any person or company for any act or omission of the last-mentioned person or company done or omitted in compliance with this Act, the regulations or any direction, decision, order, ruling or other requirement made or given under this Act or the regulations. R.S.O. 1970, c. 426, s. 145, *amended*.

Liability of crown

R.S.O. 1970, c. 365

(3) Subsection 1 does not, by reason of subsections 2 and 3 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by the Commission or any person referred to in subsection 1 to which the Crown would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New*.

Regulations

139. The Lieutenant Governor in Council may make regulations,

1. prescribing categories for persons and companies and the manner of allocating persons and companies to categories, and prescribing the form and content of prospectuses, preliminary prospectuses, *pro forma* prospectuses and statements of material facts to be filed by, and financial conditions applicable to, persons and companies in accordance with their categories;

2. designating mutual funds or a class or classes thereof as private mutual funds;

3. designating banking transactions for the purposes of subparagraph iv of paragraph 43 of subsection 1 of section 1;

4. prescribing the form and content of financial statements and interim financial statements required to be filed under this Act;

5. prescribing requirements respecting applications for registration and renewal of registration, and providing for the expiration of registrations;

6. classifying registrants into categories and prescribing the terms and conditions of registration of registrants in each category but no registrant shall be included in a category designated as,

   i. investment dealer, unless he is a member of the Ontario District of the Investment Dealers' Association of Canada,

   ii. broker, unless he is a member of a stock exchange in Ontario recognized by the Commission,

   iii. broker-dealer, unless he is a member of the Broker-Dealers' Association of Ontario;

7. regulating the listing and trading of securities and records relating thereto;

8. governing the furnishing of information to the public or to the Commission by a registrant in connection with securities or trades therein;

9. regulating the trading of securities other than on a stock exchange recognized by the Commission;

10. governing the keeping of accounts and records, the preparation and filing of financial statements of the affairs of the security issuers and the audit requirements with respect thereto;

11. respecting fees payable by an issuer to a management company as consideration for investment advice, alone or together with administrative or management services, provided by the management company to the mutual fund;

12. respecting sales charges imposed by a distribution company or contractual plan service company under a contractual plan on purchasers of shares or units of a mutual fund, and commissions to be paid to salesmen of shares or units of a mutual fund;

13. designating any person or company or any class of persons or companies who shall not be required to obtain registration as an adviser;

14. prescribing the fees payable to the Commission including fees for filing, fees upon applications for registration, fees in respect of audits made by the

Commission and other fees in connection with the administration of this Act and the regulations;

15. prescribing the documents, certificates, reports, releases, statements, agreements and other information and the form, content and other particulars relating thereto that are required to be filed, furnished or delivered under this Act and the regulations;

16. prescribing the practice and procedure of investigations under sections 11 and 13;

17. prescribing the forms for use under this Act and the regulations;

18. prescribing trades or securities, in addition to the trades and securities referred to in section 34, in respect of which registration shall not be required;

19. prescribing trades or securities, referred to in section 34 in respect of which there shall cease to be exemption from registration;

20. prescribing trades or securities, in addition to the trades and securities referred to in sections 71 and 72, in respect of which section 52 does not apply;

21. prescribing trades or securities in respect of which sections 52 and 61 shall be applicable notwithstanding sections 71 and 72;

22. exempting any seller or class of sellers from the requirements of subclauses i and ii of clause *b* of subsection 7 of section 71;

23. prescribing terms and conditions that shall be contained in an escrow or pooling agreement with respect to securities issued for a consideration other than cash;

24. prescribing the practice and procedure by which the Commission recognizes exempt purchasers under paragraph 4 of subsection 1 of section 34;

25. exempting any category of registered advisers from the provisions of section 39 or varying the provisions of section 39, as they apply to any category of registered advisers;

26. prescribing the information required or permitted to be distributed under subsection 2 of section 64;

27. respecting the matters referred to in clause *h* of subsection 2 of section 60, and, without limiting the generality of the foregoing, pertaining to requirements as to paid-up capital and surplus, liquidity of assets, ratios of debt to paid-up capital and surplus, audit procedures, the furnishing of interim financial statements and the provisions of trust indentures and the qualifications, rights, duties and obligations of trustees thereunder;

28. respecting the content and distribution of written, printed or visual material and advertising that may be distributed or used by a person or company with respect to a security whether in the course of distribution or otherwise;

29. prescribing the form and content of the reports to be filed under Part XX;

30. respecting any other matter necessary or advisable to carry out effectively the intent and purpose of Part XIX or Part XX;

31. prescribing the form and content of a take-over bid circular, issuer bid circular, directors' circular and a director's or officer's circular required by Part XIX;

32. prescribing a penalty for the early redemption of shares or units of a mutual fund;

33. prescribing the form and content of proxies, information circulars and reports required by Parts XVII and XVIII;

34. permitting the Commission or the Director to exempt any person or company from the provisions of the regulations or vary the provisions as they apply to any person or company. R.S.O. 1970, c. 426, s. 147; 1971, c. 31, s. 46, *amended*.

Commission's discretion to revoke or vary its decision

140. The Commission may, where in its opinion to do so would not be prejudicial to the public interest, make an order on such terms and conditions as it may impose revoking or varying any decisions made by it under this Act or the regulations. *New*.

Continuation of registration

141. Every registration made and receipt for a prospectus issued under *The Securities Act*, being chapter 426 of the

Revised Statutes of Ontario, 1970 and in effect immediately before this Act comes into force, continues in the same manner as if made or issued under this Act. *New.*

Repeals

142. The following are repealed:

1. *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970.

2. *The Securities Amendment Act, 1971*, being chapter 31.

3. *The Securities Amendment Act, 1973*, being chapter 11.

4. Section 55 of *The Government Reorganization Act, 1972*, being chapter 1.

Commencement

143.—(1) This Act, except clause *b* of subsection 1 of section 71 and subsections 4, 5, 6 and 7 of the said section 71, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Clause *b* of subsection 1 of section 71 and subsections 4, 5, 6 and 7 of the said section 71 come into force on the day eighteen months after the coming into force of this Act, and, until that date, the exemptions set out in clauses *a*, *c*, *d*, *l* and *p* of subsection 1 of the said section 71 are available only where each purchaser takes the securities for investment only and not with a view to resale, distribution or distribution to the public.

Short title

144. The short title of this Act is *The Securities Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revise The Securities Act

1st Reading

February 28th, 1978

2nd Reading

April 6th, 1978

3rd Reading

June 23rd, 1978

THE HON. L. GROSSMAN
Minister of Consumer and
Commercial Relations

1978

BILL 8 Pauline McGibbon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to regulate Trading in Commodity Futures Contracts

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 8 **1978**

An Act to regulate Trading in Commodity Futures Contracts

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

1. "adviser" means a person or company engaging in or holding himself or itself out as engaging in the business of advising others as to trading in contracts;

2. "clearing house" means an association or organization, whether incorporated or unincorporated, or part of a commodity futures exchange through which trades in contracts entered into on such exchange are cleared;

3. "Commission" means the Ontario Securities Commission;

4. "commodity" means, whether in the original or a processed state, any agricultural product, forest product, product of the sea, mineral, metal, hydrocarbon fuel, currency or precious stone or other gem, and any goods, article, service, right or interest, or class thereof, designated as a commodity under the regulations;

5. "commodity futures contract" means a contract to make or take delivery of a specified quantity and quality, grade or size of a commodity during a designated future month at a price agreed upon when the contract is entered into on a commodity futures exchange pursuant to standardized terms and conditions set forth in such exchange's by-laws, rules or regulations;

6. "commodity futures exchange" means an association or organization, whether incorporated or

unincorporated, operated for the purpose of providing the physical facilities necessary for the trading of contracts by open auction;

7. "commodity futures option" means a right, acquired for a consideration, to assume a long or short position in relation to a commodity futures contract at a specified price and within a specified period of time and any other option of which the subject is a commodity futures contract;

8. "company" means any corporation, incorporated association, incorporated syndicate or other incorporated organization;

9. "contract" means any commodity futures contract and any commodity futures option;

10. "dealer" means a person or company that trades in contracts in the capacity of principal or agent;

11. "decision" means a direction, decision, order, ruling or other requirement made under a power or right conferred by this Act or the regulations;

12. "declaration date", where used in relation to a commodity futures option, means that date on which the option expires;

13. "Director" means the Director or any Deputy Director of the Commission;

14. "floor trader" means an individual who is employed by a dealer for the purpose of entering into contracts on the floor of a commodity futures exchange on behalf of such dealer;

15. "hedger" means a person or company who carries on agricultural, mining, forestry, processing, manufacturing or other commercial activities and, as a necessary part of these activities, becomes exposed from time to time to a risk attendant upon fluctuations in the price of a commodity and offsets that risk through trading in contracts for the commodity or related commodities whether or not any particular trade is effected for that purpose, but a person or company is a hedger only as to trades in contracts for such commodity or related commodities;

16. "liquidating trade" means effecting settlement of a commodity futures contract,

    (*a*) in relation to a long position, by assuming an offsetting short position in relation to a contract entered into on the same commodity futures exchange for a like quantity and quality, grade or size of the same commodity deliverable during the same designated future month;

    (*b*) in relation to a short position, by assuming an offsetting long position in relation to a contract entered into on the same commodity futures exchange for a like quantity and quality, grade or size of the same commodity deliverable during the same designated future month;

17. "long position", where used in relation to a commodity futures contract, means to be under an obligation to take delivery;

18. "Minister" means the Minister of Consumer and Commercial Relations or other member of the Executive Council to whom the administration of this Act may be assigned;

19. "misrepresentation" means an untrue statement of material fact or an omission to state a material fact;

20. "officer" means the chairman or any vice-chairman of the board of directors, the president, vice-president, secretary, assistant secretary, treasurer, assistant treasurer or general manager of a company, or any other person designated an officer of a company by by-law or similar authority;

21. "open commodity futures contract" means an outstanding obligation under a commodity futures contract for which settlement has not been effected by the tender and receipt of the commodity or of an instrument evidencing title or the right to such commodity or by a liquidating trade;

22. "open interest", where used in relation to commodity futures contracts, means the total outstanding long positions or the total outstanding short positions, for each delivery month and in

aggregate, in commodity futures contracts relating to a particular commodity entered into on a commodity futures exchange;

23. "person" means an individual, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, trustee, executor, administrator, or other legal representative;

24. "premium", where used in relation to a commodity futures option, means the consideration for which the option is acquired;

25. "register" means register under this Act, and "registered" has a corresponding meaning;

26. "registrant" means a person or company registered or required to be registered under this Act;

27. "regulations" means the regulations made under this Act;

28. "salesman" means an individual who is employed by a dealer for the purpose of making trades in contracts on behalf of such dealer;

29. "Secretary" means the Secretary of the Commission or any individual designated by the Commission to act in the capacity of Secretary;

R.S.O. 1970, c. 426

30. "security" means a security within the meaning of *The Securities Act*;

31. "settlement price", where used in relation to a commodity futures contract, means the price which is used by a commodity futures exchange or its clearing house to determine, daily, the net gains or losses in the value of open commodity futures contracts;

32. "short position", where used in relation to a commodity futures contract, means to be under an obligation to make delivery;

33. "striking price", where used in relation to a commodity futures option, means the price at which the purchaser of the option has the right to assume a long or short position in relation to the commodity futures contract that is the subject of the option;

34. "trade" or "trading" includes,

(*a*) entering into contracts, whether as principal or agent;

(*b*) acting as a floor trader;

(*c*) any receipt by a registrant of an order to effect a transaction in a contract;

(*d*) any assignment or other disposition of rights under a contract except a disposition arising from the death of an individual enjoying rights under a contract; and

(*e*) any act, advertisement, solicitation, conduct or negotiation directly or indirectly in furtherance of the foregoing.

PART I

COMMODITY FUTURES ADVISORY BOARD

Commodity Futures Advisory Board

2.—(1) There shall be a board of not more than five members to be known as The Commodity Futures Advisory Board, the members of which shall be appointed by the Lieutenant Governor in Council and the Lieutenant Governor in Council may designate one of the members to be chairman.

Meetings

(2) The Commodity Futures Advisory Board shall meet at the call of the Commission.

Duties

(3) The Commodity Futures Advisory Board shall, when requested by the Commission, consult with and advise the Commission concerning,

(*a*) developments in the nature of contracts and manner of trading; and

(*b*) the influence of trading in contracts on the economy of Ontario.

Remuneration

(4) The members of The Commodity Futures Advisory Board shall serve without remuneration, but the Lieutenant Governor in Council may fix a *per diem* allowance to be payable to each member, and every member is entitled to his reasonable and necessary expenses, as certified by the chairman, for attending at meetings and transacting the business of the Board.

PART II

APPOINTMENT OF EXPERTS

Appointment of experts

3.—(1) The Commission may appoint one or more experts to assist the Commission in such manner as it may consider expedient.

Submissions to experts

(2) The Commission may submit any agreement, contract, financial statement, report or other document to one or more experts appointed under subsection 1 for examination, and the Commission has the like power to summon and enforce the attendance of witnesses before the expert and to compel them to produce documents, records and things as is vested in the Commission, and subsections 3 and 4 of section 7 apply *mutatis mutandis*.

Payment of experts

(3) An expert appointed under subsection 1 shall be paid such amounts for services and expenses as the Lieutenant Governor in Council may determine.

PART III

ADMINISTRATIVE PROCEEDINGS, REVIEWS AND APPEALS

Notification of decision

4.—(1) The Director shall forthwith notify the Commission of every decision refusing registration under section 23 or refusing to accept the form of a contract under section 36 and the Commission may, within thirty days of the decision, notify the Director and any person or company directly affected of its intention to convene a hearing to review the decision.

Review of Director's decisions

(2) Any person or company directly affected by a decision of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the decision, request and be entitled to a hearing and review thereof by the Commission.

Power on review

(3) Upon a hearing and review, the Commission may by order confirm the decision under review or make such other decision as the Commission considers proper.

Stay

(4) Notwithstanding that a person or company requests a hearing and review under subsection 2, the decision under review takes effect immediately, but the Commission may grant a stay until disposition of the hearing and review.

5.—(1) Any person or company directly affected by a decision of the Commission, may appeal to the Supreme Court. Appeal

(2) Notwithstanding that an appeal is taken under this section, the decision appealed from takes effect immediately, but the Commission or the Divisional Court may grant a stay until disposition of the appeal. Stay

(3) The Secretary shall certify to the Registrar of the Supreme Court, Certification of documents

(*a*) the decision that has been reviewed by the Commission;

(*b*) the decision of the Commission, together with any statement of reasons therefor;

(*c*) the record of the proceedings before the Commission; and

(*d*) all written submissions to the Commission or other material that is relevant to the appeal.

(4) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister entitled to be heard

(5) Where an appeal is taken under this section, the court may by its order direct the Commission to make such decision or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Commission shall make such decision or do such act accordingly. Powers of court on appeal

(6) Notwithstanding an order of the court on an appeal, the Commission may make any further decision upon new material or where there is a significant change in the circumstances, and every such decision is subject to this section. Further decisions

6.—(1) The Secretary may, Secretary

(*a*) accept service of all notices or other documents on behalf of the Commission;

(*b*) when authorized by the Commission, sign any decision made by the Commission as a result of a hearing;

(*c*) certify under his hand any decision made by the Commission or any document, record or thing used in connection with any hearing by the Commission where certification is required for a purpose other than that stated in subsection 3 of section 5; and

(*d*) exercise such other powers as are vested in him by this Act or the regulations and perform such other duties as are imposed upon him by this Act or the regulations or by the Commission.

Certification by Secretary

(2) A certificate purporting to be signed by the Secretary is, without proof of the office or signature certifying, admissible in evidence, so far as is relevant, for all purposes in any action, proceeding or prosecution.

PART IV

INVESTIGATIONS

Investigation order

7.—(1) Where upon a statement made under oath it appears probable to the Commission that any person or company has,

(*a*) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970, c. C-34

(*b*) committed an offence under the *Criminal Code* (Canada) in connection with a transaction relating to contracts,

the Commission may, by order, appoint any person to make such investigation as it considers expedient for the due administration of this Act, and in the order shall determine and prescribe the scope of the investigation.

Investigation order

(2) The Commission may, by order, appoint any person to make such investigation as it considers expedient for the due administration of this Act or into any matter relating to trading in contracts, and in such order shall determine and prescribe the scope of the investigation.

Scope of investigation

(3) For the purposes of any investigation ordered under this section, the person appointed to make the investigation may investigate, inquire into and examine,

(*a*) the affairs of the person or company in respect of which the investigation is being made and any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person or company and any property, assets or things owned, acquired or alienated in whole or in part by such person or company or by any person or company acting on behalf of or as agent for such person or company; and

(*b*) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the financial or other conditions at any time prevailing in or in relation to or in connection with any such person or company and the relationship that may at any time exist or have existed between such person or company and any other person or company by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, securities or other property, the transfer, negotiation or holding of securities, interlocking directorates, common control, undue influence or control or any other relationship.

Powers to summon witnesses and require production

(4) The person making an investigation under this section has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things, as is vested in the Supreme Court for the trial of civil actions, and the failure or refusal of a person to attend, to answer questions or to produce such documents, records and things as are in his custody or possession makes the person liable to be committed for contempt by a judge of the Supreme Court as if in breach of an order or judgment of the Supreme Court provided that no provision of *The Evidence Act* exempts any bank or any officer or employee thereof from the operation of this section.

R.S.O. 1970, c. 151

Counsel

(5) A person giving evidence at an investigation under this section may be represented by counsel.

Seizure of property

(6) Where an investigation is ordered under this section, the person appointed to make the investigation may seize and take possession of any documents, records, securities, contracts or other property of the person or company whose affairs are being investigated.

Inspection of seized documents

(7) Where any documents, records, securities, contracts or other property are seized under subsection 6, such documents, records, securities, contracts or other property shall be made available for inspection and copying by the person or company from whom seized at a mutually convenient time and place if a request for an opportunity to inspect or copy is made by such person or company to the person appointed to make the investigation.

Accountants and experts

(8) Where an investigation is ordered under this section, the Commission may appoint an accountant or other expert to examine documents, records, properties and matters of the person or company whose affairs are being investigated.

Report of investigation

(9) Every person appointed under subsection 1, 2 or 8 shall provide the Commission with a full and complete report of the investigation including any transcript of evidence and material in his possession relating to the investigation.

Report to Minister

8. Where, upon the report of an investigation made under section 7, it appears to the Commission that any person or company may have,

(*a*) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970, c. C-34

(*b*) committed an offence under the *Criminal Code* (Canada) in connection with a transaction relating to contracts,

the Commission shall send a full and complete report of the investigation, including the report made to it, any transcript of evidence and any material in the possession of the Commission relating thereto, to the Minister.

Investigation by order of Minister

9. Notwithstanding section 7, the Minister may, by order, appoint any person to make such investigation as the Minister considers expedient for the due administration of this Act or into any matter relating to trading in contracts, in which case the person so appointed, for the purposes of the investigation, has the same authority, powers, rights and privileges as a person appointed under section 7.

Evidence not to be disclosed

10. No person, without the consent of the Commission, shall disclose, except to his counsel, any information or evidence obtained or the name of any witness examined or sought to be examined under section 7 or 9.

11. Where an investigation has been made under section 7, the Commission may, and, where an investigation has been made under section 9, the person making the investigation shall report the result thereof, including the evidence, findings, comments and recommendations, to the Minister, and the Minister may cause the report to be published in whole or in part in such manner as he considers proper. Report to Minister

12.—(1) The Commission may, Order to freeze property

(*a*) where it is about to order an investigation in respect of a person or company under section 7 or during or after an investigation in respect of a person or company under section 7 or 9;

(*b*) where it is about to make or has made a decision suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in contracts; or

(*c*) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any contract or any trade therein, or out of any business conducted by such person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c* to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, the *Winding-up Act* (Canada) or section 13 of this Act, or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a commodity futures exchange clearing house, stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction. R.S.C. 1970, cc. B-4, W-11, R.S.O. 1970, cc. 228, 89, 53

Application for directions

(2) Any person or company named in a direction issued under subsection 1 may, if in doubt as to the application of the direction to particular funds or securities, apply to the Commission for an order of clarification.

Revocation or amendment of direction

(3) Upon the application of a person or company directly affected by a direction issued under subsection 1, the Commission may make an order on such terms and conditions as it may impose revoking the direction or consenting to the release of any fund or security.

Appointment of receiver, etc.

13.—(1) The Commission may,

(*a*) where it is about to order an investigation in respect of a person or company under section 7 or during or after an investigation in respect of a person or company under section 7 or 9;

(*b*) where it is about to make or has made a decision suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in contracts;

(*c*) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company that in the opinion of the Commission are connected with or arise out of any contract or any trade therein, or out of any business conducted by such person or company; or

(*d*) where a person or company fails or neglects to comply with the minimum net asset requirements, investment restrictions, ownership restrictions, or capital requirements prescribed by the regulations for such person or company,

apply to a judge of the Supreme Court for the appointment of a receiver, receiver and manager, trustee or liquidator of the property of such person or company.

Appointment

(2) Upon an application under subsection 1, the judge may, where he is satisfied that the appointment of a receiver, receiver and manager, trustee or liquidator of all or any part of the property of any person or company is in the best interests of the creditors of any such person or company or of persons or companies any of whose property is in the possession or under the control of such person or company, appoint a receiver, receiver and manager, trustee or liquidator of the property of such person or company.

(3) Upon an *ex parte* application made by the Commission under this section, the judge may make an order under subsection 2 appointing a receiver, receiver and manager, trustee or liquidator for a period not exceeding fifteen days. *Ex parte* application

(4) A receiver, receiver and manager, trustee or liquidator of the property of any person or company appointed under this section shall be the receiver, receiver and manager, trustee or liquidator of all or any part of the property belonging to the person or company or held by the person or company on behalf of or in trust for any other person or company, and the receiver, receiver and manager, trustee or liquidator shall have authority, if so directed by the judge, to wind up or manage the business and affairs of the person or company and all powers necessary or incidental thereto. Powers of receiver, etc.

(5) An order made under this section may be enforced in the same manner as any order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice. Enforcement of order

(6) Upon an application made under this section, the rules of practice of the Supreme Court apply. Rules of practice

PART V

AUDITS

14.—(1) Notwithstanding anything in sections 15, 16, 17 and 18, the Commission may in writing appoint any person to examine at any time the financial affairs of a registrant or a clearing house of a commodity futures exchange in Ontario and prepare such financial or other statements and reports that may be required by the Commission. Audits by Commission

(2) The person making an examination under this section may inquire into and examine all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the registrant or clearing house whose financial affairs are being examined, and no registrant or clearing house shall withhold, destroy, conceal or refuse to give any information or thing reasonably required for the purpose of the examination. Access to records

(3) The Commission may charge such fees as may be prescribed by the regulations for any examination made under this section. Fees

PART VI

SELF REGULATION—GENERALLY

Self-regulatory bodies

15.—(1) The Commission may recognize in writing an association or organization representing registrants, whether incorporated or unincorporated, as a self-regulatory body where it is satisfied that to do so would be in the public interest and that the association or organization has satisfied or can satisfy all conditions with respect to self-regulatory bodies prescribed under the regulations.

Idem

(2) A self-regulatory body recognized under subsection 1 shall, subject to this Act and the regulations and any decision made by the Commission, regulate the standards and business conduct of its members.

Commission's powers

(3) The Commission may, where it appears to it to be in the public interest, make any decision,

(*a*) with respect to any by-law, rule or regulation or proposed by-law, rule or regulation of a self-regulatory body recognized under subsection 1;

(*b*) with respect to any direction, decision, order or ruling made under any by-law, rule or regulation of a self-regulatory body recognized under subsection 1; or

(*c*) with respect to any practice of a self-regulatory body recognized under subsection 1.

Review of decisions of self-regulatory body

(4) Any person or company directly affected by any direction, decision, order or ruling made under any by-law, rule or regulation of a self-regulatory body recognized under subsection 1 may apply to the Commission for a hearing and review thereof and section 4 applies to the hearing and review in the same manner as to the hearing and review of a decision of the Director.

Panel of auditors

16. Every commodity futures exchange in Ontario granted registration by the Commission under section 19 and every self-regulatory body recognized by the Commission under section 15 shall,

(*a*) select a panel of auditors, each of whom shall have practised as such in Canada for not fewer than five years and shall be known as a panel auditor or members' auditor; and

(*b*) employ an exchange auditor, association or organization auditor, as the case may be, whose appointment is subject to the approval of the Commission, and the appointee shall be an auditor who has practised as such in Canada for not fewer than ten years.

17.—(1) Every commodity futures exchange in Ontario granted registration by the Commission and every self-regulatory body recognized by the Commission shall cause each member of such class or classes of their members as the Commission may designate in writing to appoint an auditor from the panel of auditors selected under clause *a* of section 16 and such auditor shall make the examination of the financial affairs of such member as called for by the by-laws, rules or regulations applicable to members of such class or classes and shall report thereon to the exchange auditor, association or organization auditor, as the case may be.

Audits by commodity futures exchange and self-regulatory bodies

(2) The by-laws, rules and regulations of every commodity futures exchange in Ontario granted registration by the Commission and the by-laws, rules and regulations of every self-regulatory body recognized by the Commission in respect of the practice and procedure of the examinations under subsection 1 are subject to the approval of the Commission and the actual conduct of the examinations shall be satisfactory to the Commission.

Audit by-laws subject to approval

18. Every registrant whose financial affairs are not subject to examination under section 17 shall keep such books and records as are necessary for the proper recording of his business transactions and financial affairs and shall deliver to the Commission annually and at such other time or times as the Commission may require a financial statement satisfactory to the Commission as to his financial position, certified by such registrant or an officer or partner of such registrant and reported upon by the auditor of such registrant, and shall deliver to the Commission such other information as the Commission may require in such form as it may prescribe.

Filing of financial statements of registrants

PART VII

COMMODITY FUTURES EXCHANGES IN ONTARIO

19.—(1) No person or company shall carry on business as a commodity futures exchange in Ontario unless such commodity futures exchange is registered as a commodity futures exchange.

Commodity futures exchanges in Ontario

Registration

(2) Upon application by or on behalf of a person or company wishing to carry on business in Ontario as a commodity futures exchange, the Commission shall grant registration to that person or company for the purposes of subsection 1 where it is satisfied that to do so would not be prejudicial to the public interest and in making its decision shall take into account whether,

(*a*) the clearing and other arrangements made and the financial condition of the commodity futures exchange, its clearing house and its members are such as to provide reasonable assurance that all obligations arising out of contracts entered into on such commodity futures exchange will be met;

(*b*) the rules and regulations applicable to exchange members and clearing house members are in the public interest and are actively enforced;

(*c*) floor trading practices are fair and properly supervised;

(*d*) adequate measures have been taken to prevent manipulation and excessive speculation;

(*e*) adequate provision has been made to record and publish details of trading including volume and open interest; and

(*f*) the commodity futures exchange has satisfied or can satisfy all conditions prescribed under the regulations for the conduct of the business of a commodity futures exchange.

Hearing

(3) The Commission shall not refuse to grant registration to a commodity futures exchange for the purposes of subsection 1 without giving the applicant an opportunity to be heard.

Filing of by-laws, etc.

20.—(1) Every commodity futures exchange in Ontario and its clearing house shall file with the Commission all by-laws, rules, regulations and policies as soon as practicable and in any event within five days of the date on which the by-law, rule, regulation or policy is approved by the board of directors of the commodity futures exchange or its clearing house and prior to approval by the membership of the commodity futures exchange or clearing house.

Commission's powers

(2) The Commission may, where it appears to it to be in the public interest, make any decision,

(*a*) with respect to the manner in which any commodity futures exchange in Ontario or its clearing house carries on business;

(*b*) with respect to any by-law, rule or regulation of any such commodity futures exchange or its clearing house; or

(*c*) with respect to trading on or through the facilities of any such commodity futures exchange or with respect to any contract traded on any such commodity futures exchange including the setting of levels of margin, daily price limits, daily trading limits and position limits.

Review of decision of commodity futures exchange

(3) Any person or company directly affected by any direction, order or decision made under any by-law, rule or regulation of a commodity futures exchange in Ontario or its clearing house may apply to the Commission for a hearing and review thereof and section 4 applies to the hearing and review in the same manner as to the hearing and review of a decision of the Director.

Records and reports

21. Every commodity futures exchange and its clearing house in Ontario shall keep such records as are necessary for the proper recording of each transaction on such exchange and shall,

(*a*) supply to any customer of any member of such commodity futures exchange, upon production of a written confirmation of any transaction with such member, particulars of the time at which the transaction took place and verification or otherwise of the matters set forth in the confirmation; and

(*b*) deliver to the Commission at such time or times as the Commission may require reports as to transactions on such exchange in such form as the Commission may prescribe.

PART VIII

REGISTRATION FOR TRADING, ACTING AS ADVISER

Registration for trading

22.—(1) No person or company shall,

(*a*) trade in a contract unless such person or company is registered as a dealer or is registered as a sales-

man or floor trader or as a partner or as an officer of a registered dealer and is acting on behalf of such dealer;

(*b*) act as an adviser unless such person or company is registered as an adviser, or is registered as a partner or as an officer of a registered adviser and is acting on behalf of such adviser,

and such registration has been made in accordance with this Act and the regulations and such person or company has received written notice of such registration from the Director and, where such registration is subject to terms and conditions, the person or company complies with such terms and conditions.

Termination re salesman and floor trader

(2) The termination of the employment of a salesman or floor trader with a registered dealer shall operate as a suspension of the registration of the salesman or floor trader until notice in writing has been received by the Director from another registered dealer of the employment of the salesman or floor trader by such other registered dealer and the reinstatement of the registration has been approved by the Director.

Non-trading employee

(3) The Director may designate as non-trading any employee or class of employees of a registered dealer that does not usually trade in contracts, but the designation may be cancelled as to any employee or class of employees where the Director is satisfied that any such employee or any member of such class of employees should be required to apply for registration as a salesman.

Granting of registration

23.—(1) The Director shall grant registration, renewal of registration, reinstatement of registration or amendment to registration to an applicant except where,

(*a*) having regard to the applicant's financial position, he cannot reasonably be expected to be financially responsible in the conduct of his business;

(*b*) the past conduct of the applicant, or the officers, directors or partners of the applicant, affords reasonable grounds for belief that his business will not be carried on in accordance with law and with integrity and honesty; or

(*c*) the applicant is or will be carrying on activities that are in contravention of this Act or the regulations.

(2) The Director may in his discretion restrict a registration by imposing terms and conditions thereon and, without limiting the generality of the foregoing, may restrict the duration of a registration and may restrict the registration to trades in a certain class of contracts. Terms and conditions

(3) The Director shall not refuse to grant, renew, reinstate or amend registration or impose terms and conditions thereon without giving the applicant an opportunity to be heard. Refusal

24.—(1) The Commission, after giving a registrant an opportunity to be heard, may suspend, cancel, restrict or impose terms and conditions upon the registration or reprimand the registrant where in its opinion such action is in the public interest. Suspension, cancellation, etc.

(2) Where the delay necessary for a hearing under subsection 1 would, in the opinion of the Commission, be prejudicial to the public interest, the Commission may suspend the registration without giving the registrant an opportunity to be heard, in which case it shall forthwith notify the registrant of the suspension and of a hearing and review to be held before the Commission within fifteen days of the date of the suspension, which hearing and review shall be deemed to be a hearing and review under section 4. Interim suspension

(3) Notwithstanding subsection 1, the Commission may, upon an application by a registrant, accept, subject to such terms and conditions as it may impose, the voluntary surrender of the registration of the registrant where it is satisfied the financial obligations of the registrant to its clients have been discharged and the surrender of the registration would not be prejudicial to the public interest. Surrender

25. A further application for registration may be made upon new or other material or where it is clear that material circumstances have changed. Subsequent applications

26. An application for registration shall be made in writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such fee as may be prescribed by the regulations. Application

27. Every applicant shall state in the application an address for service in Ontario and, except as otherwise provided in this Act, all notices under this Act or the regulations are sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated. Address for service

Further information

28. The Director may require any further information or material to be submitted by an applicant or a registrant within a specified time and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require the applicant or the registrant or any partner, officer, director, governor or trustee of, or any person performing a like function for, or any employee of, the applicant or of the registrant to submit to examination under oath by a person designated by the Director.

Residence

29.—(1) The Director may refuse registration to an individual if he has not been a resident of Canada for at least one year immediately prior to the date of the application for registration or if he is not a resident of Ontario at the date of such application unless at the time of such application such individual is registered in a capacity corresponding to that of a dealer, adviser, partner, officer, salesman or floor trader under the laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration.

Idem

(2) The Director may refuse registration to a person or company if any director or officer of such person or company has not been a resident of Canada for at least one year immediately prior to the date of application for registration or is not a resident of Ontario at the date of such application unless at the time of such application he is registered in a capacity corresponding to that of dealer, adviser, partner, officer or salesman or floor trader under the laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration.

Notice of changes

30.—(1) Every registered dealer shall, within five business days of the event, notify the Director in the form prescribed by the regulations of,

(*a*) any change in address for service in Ontario or any business address;

(*b*) any change in,

(i) the directors or officers of the registered dealer and in the case of resignation, dismissal, severance or termination of employment or office, the reason therefor, and

(ii) the holders of the voting securities of the registered dealer;

(*c*) the commencement and termination of employment of every registered salesman and floor trader and in the case of termination of employment, the reason therefor;

(*d*) the opening or closing of any branch office in Ontario and, in the case of the opening of any branch office in Ontario, the name and address of the person in charge thereof; and

(*e*) any change in the name or address of the person in charge of any branch office in Ontario.

(2) Every registered adviser, shall, within five business days of the event, notify the Director in the form prescribed by the regulations of, **Idem**

(*a*) any change in address for service in Ontario or any business address; and

(*b*) any change in,

(i) the directors or officers of the registered adviser and in the case of resignation, dismissal, severance or termination of employment or office, the reason therefor, and

(ii) the holders of the voting securities of the registered adviser.

(3) Every registered salesman and floor trader shall, within five business days of the event, notify the Director in the form prescribed by the regulations of, **Idem**

(*a*) any change in his address for service in Ontario or in his business address; and

(*b*) every commencement and termination of his employment by a registered dealer.

(4) The Director may, upon an application of a registrant, exempt, subject to such terms and conditions as he may impose, the registrant from the requirement of subsections 1 and 2 that the Director be notified of any change in the holders of voting securities of the registrant where in his opinion it would not be prejudicial to the public interest to do so. **Exemptions**

PART IX

EXEMPTIONS FROM REGISTRATION REQUIREMENTS

Exemptions of advisers

31. Registration as an adviser is not required to be obtained by,

R.S.C. 1970, c. B-1

1974-75, c. 14 (Can.)

R.S.O. 1970, cc. 254, 224

(*a*) a bank to which the *Bank Act* (Canada) applies, or the Federal Business Development Bank incorporated under the *Federal Business Development Bank Act* (Canada), or a trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*;

(*b*) a lawyer, accountant, engineer, teacher or employee of the Ministry of Agriculture and Food;

(*c*) a registered dealer, or any partner, officer or employee thereof;

R.S.O. 1970, c. 426

(*d*) a person or company registered as an adviser under *The Securities Act*, or any partner, officer or employee thereof;

(*e*) a publisher of or any writer for any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an adviser only through such publication and has no interest either directly or indirectly in any of the contracts upon which the advice is given and receives no commission or other consideration for giving the advice,

where the performance of the service as an adviser is solely incidental to their principal business or occupation; or

(*f*) such other persons or companies as are designated by the regulations.

Exemption of trades

32.—(1) Subject to the regulations, registration is not required in respect of,

(*a*) a trade in a contract by a hedger through a dealer;

(*b*) a trade in a contract by a person or company acting solely through an agent who is a registered dealer;

(*c*) a trade in a contract to be executed on an exchange situate outside Ontario resulting from an order placed with a dealer who does not carry on business in Ontario, not involving any solicitation by or on behalf of the dealer; or

(*d*) a trade in a contract in respect of which a preliminary prospectus and a prospectus have been filed and receipts therefor obtained from the Director under *The Securities Act*. R.S.O. 1970, c. 426

PART X

RECOGNITION OF COMMODITY FUTURES EXCHANGES AND ACCEPTANCE OF FORM OF CONTRACT

Registration or recognition of commodity futures exchange and acceptance of form of contracts required

33. No person or company, except a hedger, shall trade in contracts on his own account or on behalf of any other person or company except,

(*a*) contracts traded on a commodity futures exchange, registered by the Commission or recognized by the Commission under this Part, if the form of the contracts has been approved by the Director under this Part;

(*b*) contracts for which a preliminary prospectus and a prospectus have been filed and receipts therefor obtained from the Director under *The Securities Act*; and

(*c*) a contract traded on a commodity futures exchange situate outside Ontario as the result of an order placed with a dealer who does not carry on business in Ontario, not involving any solicitation by or on behalf of the dealer.

Recognition of commodity futures exchange by Commission

34.—(1) Upon application by or on behalf of a commodity futures exchange that is situate outside Ontario, the Commission shall recognize such commodity futures exchange where it is satisfied that to do so would not be prejudicial to the public interest and in making its decision shall take into account whether,

(*a*) the clearing and other arrangements made and the financial condition of the commodity futures exchange, its clearing house and its members are such as to provide reasonable assurance that all obligations arising out of contracts entered into on such commodity futures exchange will be met;

(*b*) the rules and regulations applicable to exchange members and clearing house members are in the public interest and are actively enforced;

(*c*) floor trading practices are fair and properly supervised;

(*d*) adequate measures have been taken to prevent manipulation and excessive speculation;

(*e*) adequate provision has been made to record and publish details of trading including volume and open interest;

(*f*) the exchange and its clearing house have undertaken to comply with section 35; and

(*g*) the exchange and its clearing house are subject to appropriate government controls.

Hearing

(2) The Commission shall not refuse to recognize a commodity futures exchange under this Part without giving the applicant an opportunity to be heard.

Filing of by-laws, etc.

35. Every commodity futures exchange recognized by the Commission under section 34 and its clearing house shall file with the Commission all by-laws, rules, regulations and policies forthwith after the by-law, rule, regulation or policy is approved by the Board of Directors of the commodity futures exchange or clearing house.

Acceptance of form of contracts by Director

36.—(1) Upon application by or on behalf of a commodity futures exchange registered by the Commission, or recognized by the Commission under this Part, and the filing of a copy of all terms and conditions of a contract that it is proposed be traded in Ontario, the Director shall accept the form of contract where he is satisfied that to do so would not be prejudicial to the public interest and in making his decision shall take into account whether,

(*a*) more than occasional use is made or can be reasonably expected to be made of the contract for hedging transactions;

(*b*) with respect to a commodity futures contract each term or condition is in conformity with normal

commercial practices of the trade in the commodity or if not in such conformity there is reasonable justification therefor;

(*c*) with respect to a commodity futures contract satisfactory levels of margin, daily price limits, daily trading limits and position limits are imposed by the commodity futures exchange;

(*d*) with respect to a commodity futures option the form of the commodity futures contract that is the subject of the option has been accepted under this Part; and

(*e*) with respect to a commodity futures option performance on exercise of the option is reasonably assured by established rules and procedures that are actively enforced.

(2) The Director shall not refuse to accept the form of contract without giving the applicant an opportunity to be heard. Hearing

37.—(1) It is a condition of acceptance of the form of a contract under section 36 that the commodity futures exchange, Terms and conditions of contracts to be filed with Commission and available through agent

(*a*) file with the Commission copies of all current contract terms and conditions; and

(*b*) unless the Director by order modifies the requirement, make copies of all current contract terms and conditions available to registrants through an agent in Ontario designated by the commodity futures exchange.

(2) Copies of amendments or additions to contract terms and conditions shall be filed with the Commission and supplied to the agent designated by the commodity futures exchange forthwith after the amendment or addition is approved by the Board of Directors of the commodity futures exchange. Idem

(3) The Director shall not accept the form of a contract until advised by the commodity futures exchange of the name and address of the agent designated for the purposes of subsection 1. Idem

Idem

(4) The commodity futures exchange shall, within five days of the event, notify the Director of any change in the name or address of the agent designated for the purposes of subsection 1.

Order exempting from registration for trading, acceptance of form of contract

38.—(1) The Commission may upon the application of an interested person or company, rule that an intended trade is not subject to section 22 or 33 where it is satisfied that to do so will not be prejudicial to the public interest and may impose such terms and conditions as are considered necessary.

Ruling final

(2) A decision of the Commission under this section is final and there is no appeal therefrom.

PART XI

REVOCATION OF REGISTRATION OR RECOGNITION OF COMMODITY FUTURES EXCHANGES AND ACCEPTANCE OF FORM OF CONTRACT

Order revoking registration or recognition of commodity futures exchange or acceptance of form of contract

39.—(1) The Commission may, where in its opinion such action is in the public interest, and, subject to such terms and conditions as it may impose, by order revoke registration of a commodity futures exchange under Part VII or recognition of a commodity futures exchange under Part X or revoke acceptance of the form of a contract under Part X for such period as is specified in the order.

Temporary order

(2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event the Commission may make a temporary order, that shall not be for longer than fifteen days from the date of the making thereof, but such order may be extended for such period as the Commission considers necessary where satisfactory information is not provided to the Commission within the fifteen day period.

PART XII

TRADING GENERALLY

Statement to be furnished to prospective customer

40.—(1) Every registered dealer or adviser shall furnish each prospective customer prior to the opening of his account with a written statement in the form prescribed under the regulations which will,

(*a*) explain the nature of, and risks inherent in trading in contracts and obligations assumed by the customer upon entering a contract;

(*b*) advise the client to request and study the terms and conditions of the contract; and

(*c*) furnish details concerning commissions and other charges levied by the dealer or adviser.

Terms and conditions

(2) Except where the Director by order modifies the requirement, every registered dealer or adviser upon the request of a client shall furnish the client with a copy of all current terms and conditions of any contract the form of which has been accepted by the Director under Part X.

Minimum margin required

41.—(1) Subject to subsections 2 and 3, every registered dealer who acts as an agent in connection with a trade in a commodity futures contract shall require from the customer a margin of not less than the minimum prescribed under the by-laws, rules or regulations of the commodity futures exchange upon which the contract is traded.

Idem

(2) Subject to subsection 3, where the Commission has made an order with respect to levels of margin under section 20, every registered dealer who acts as an agent in connection with a trade in a commodity futures contract shall require from the customer a margin of not less than the minimum prescribed thereunder.

Margin greater than minimum

(3) Notwithstanding subsections 1 and 2, a registered dealer may require from the customer a margin greater than that prescribed under subsection 2 or 3.

Confirmation of trade re commodity futures contract

42.—(1) Every registered dealer who has acted as an agent in connection with any trade in a commodity futures contract, including a trade upon the exercise of a commodity futures option, shall promptly send by prepaid mail or deliver to the customer a written confirmation of the transaction, setting forth,

(*a*) the date of the transaction;

(*b*) the commodity and quantity bought or sold;

(*c*) the commodity futures exchange upon which the contract was traded;

(*d*) the delivery month and year;

(*e*) the price at which the contract was entered into;

(*f*) the name of the dealer, if any, used by the registered dealer as its agent to effect the trade; and

(*g*) the name of the salesman, if any, in the transaction.

Coded identification

(2) For the purposes of clauses *f* and *g* of subsection 1, a person or company or a salesman may be identified in a written confirmation by means of a code or symbols if the written confirmation also contains a statement that the name of the person, company or salesman will be furnished to the customer on request.

Filing of code

(3) Where a person or company uses a code or symbols for identification in a confirmation under subsection 1, the person or company shall forthwith file the code or symbols and their meaning, and shall notify the Commission within five days of any change in or addition to the code or symbols or their meaning.

Disclosure of clients

(4) Every dealer who has acted as agent in connection with any trade in a commodity futures contract shall promptly disclose to the Commission, upon request by the Commission, the name of the person or company from or to or through whom the commodity was bought or sold.

Statement of purchase and sale

43. Every registered dealer who has acted as an agent in connection with a liquidating trade in a commodity futures contract shall promptly send by prepaid mail or deliver to the customer in addition to the written confirmation required under section 42, a statement of purchase and sale setting forth,

(*a*) the dates of the initial transaction and liquidating trade;

(*b*) the commodity and quantity bought and sold;

(*c*) the commodity futures exchange upon which the contracts were traded;

(*d*) the delivery month and year;

(*e*) the prices on the initial transaction and on the liquidating trade;

(*f*) the gross profit or loss on the transactions;

(*g*) the commission; and

(*h*) the net profit or loss on the transactions.

44. So long as any unexpired and unexercised commodity futures option or open commodity futures contract is outstanding in a customer's account, every registered dealer shall promptly send by prepaid mail or deliver to each customer a written monthly statement, setting forth, Monthly statement

(*a*) the opening cash balance for the month in the customer's account;

(*b*) all deposits, credits, withdrawals and debits to the customer's account;

(*c*) the cash balance in the customer's account;

(*d*) each unexpired and unexercised commodity futures option;

(*e*) the striking price of each unexpired and unexercised commodity futures option;

(*f*) each open commodity futures contract;

(*g*) the price at which each open commodity futures contract was entered into.

45.—(1) Every registered dealer who has acted as an agent in connection with any trade in a commodity futures option shall promptly send by prepaid mail or deliver to the customer a written confirmation of the transaction setting forth, Confirmation of trade re commodity futures option

(*a*) the date of the transaction;

(*b*) the type and number of commodity futures options;

(*c*) the commodity futures exchange upon which the contract was traded;

(*d*) the premium;

(*e*) the commodity futures contract that is the subject of the commodity futures option;

(*f*) the delivery month and year of the commodity futures contract that is the subject of the commodity futures option;

(*g*) the declaration date;

(*h*) the striking price;

(*i*) the name of the dealer, if any, used by the registered dealer as its agent to effect the trade;

(*j*) the commission, if any, charged in respect of the trade; and

(*k*) the name of the salesman, if any, in the transaction.

Coded identification

(2) For the purposes of clauses *i* and *k* of subsection 1, a person or company or a salesman may be identified in a written confirmation by means of a code or symbols if the written confirmation also contains a statement that the name of the person, company or salesman will be furnished to the customer on request.

Filing of code

(3) Where a person or company uses a code or symbols for identification in a confirmation under subsection 1, the person or company shall forthwith file the code or symbols and their meaning, and shall notify the Commission within five days of any change in or addition to the code or symbols or their meaning.

Disclosure by agent

(4) Every dealer who has acted as agent in connection with any trade in a commodity futures option shall promptly disclose to the Commission, upon request by the Commission, the name of the person or company from or through whom the commodity futures option was obtained.

Segregation of funds

46.—(1) All money, securities, property and proceeds of loans received or advanced by a registered dealer to margin, guarantee or secure the trades or contracts of customers and all funds accruing to customers, shall be segregated for the benefit of the customers for whom they are held, and the registered dealer shall separately account for all such money, securities, property, proceeds and funds so received or advanced by him, and shall not knowingly commingle such money, securities, property, proceeds and funds with his own money, securities, property and funds.

Application

(2) Subsection 1 does not apply to securities or property that are subject to a lien or charge in favour of the registered dealer under a written agreement, in the form prescribed by the regulations, to secure loans referred to in subsection 1.

(3) Money, securities, property, proceeds and funds segregated under subsection 1 for the benefit of customers may be commingled. Commingling of segregated funds

(4) No registered dealer shall knowingly use money, securities, property, proceeds or funds received from, advanced to or held for any customer to margin, guarantee or secure the trades or contracts or to secure or extend the credit of any customer other than the customer for whom such money, securities, property, proceeds or funds are held. Registered dealer not to use funds

(5) Notwithstanding subsection 1, a registered dealer may have a residual financial interest in a customer's account and, from time to time, may advance from his own funds sufficient funds to prevent any and all customer's accounts from becoming undermargined. Residual financial interest

(6) Upon application by an interested person or company, the Commission may exempt any registered dealer or class of registered dealers from subsection 1 or 4, on such terms and conditions as in the opinion of the Commission provide reasonable protection for customers. Exemption on terms and conditions

(7) Notwithstanding subsection 1, where a registered dealer has a residual financial interest in a customer's account or has advanced his own funds to prevent any customer's account from becoming undermargined, the dealer may draw upon that account or any other accounts of the same customer to his own order to the extent of his residual financial interest therein or to the extent of the actual advances made. Exception

47. Every registered dealer shall deliver to the Commission, at such time or times as the Commission may require, reports as to transactions in contracts on its own account or on behalf of any other person or company in such form as the Commission may prescribe. Reports

48.—(1) The Director may, by order, suspend, cancel, restrict or impose terms and conditions upon the right of any person or company named in the order to, Order prohibiting calls to residences

(*a*) call at any residence; or

(*b*) telephone from within Ontario to any residence within or outside Ontario,

for the purpose of trading in any contract.

Hearing

(2) The Director shall not make an order under subsection 1 without giving the person or company affected an opportunity to be heard.

"residence" defined

(3) In this section, "residence" includes any building or part of a building in which the occupant resides either permanently or temporarily and any premises appurtenant thereto.

What constitutes calls

(4) For the purposes of this section, a person or company shall be deemed conclusively to have called or telephoned where an officer, director or salesman of the person or company calls or telephones on his or its behalf.

Representations prohibited

49.—(1) No person or company, with the intention of effecting a trade in a contract, shall make any representation that he or any other person or company,

(*a*) will refund all or any of the margin or premium; or

(*b*) assume all or any part of the obligation of another person or company under the contract.

Future value

(2) No person or company, with the intention of effecting a trade in a contract, shall give any undertaking, written or oral, relating to the future value of such contract.

Use of name of another registrant

50. No registrant shall use the name of another registrant on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he is a partner, officer or agent of or is authorized so to do in writing by the other registrant.

Registration not to be advertised

51. No person or company shall hold himself out as being registered by having printed in a circular, pamphlet, advertisement, letter, telegram or other stationery that he is registered.

Holding out by unregistered person

52. No person or company who is not registered shall, either directly or indirectly, hold himself out as being registered.

Advertising approval by Commission

53. No person or company shall make any representation, written or oral, that the Commission has in any way

passed upon the financial standing, fitness or conduct of any registrant or upon the merits of any contract.

54.—(1) The Commission may, after giving the registered dealer an opportunity to be heard, and upon being satisfied that the registered dealer's past conduct with respect to the use of advertising and sales literature affords reasonable grounds for belief that it is necessary for the protection of the public to do so, order that a registered dealer shall deliver to the Commission at least seven days before it is used, copies of all advertising and sales literature that the registered dealer proposes to use in connection with trading in contracts. Submission of advertising

(2) For the purposes of this section, Interpretation

(*a*) "advertising" includes television and radio commercials, newspaper and magazine advertisements and all other sales material generally disseminated through the communications media; and

(*b*) "sales literature" includes records, videotapes and similar material, written matter and all other material, except terms and conditions of contracts and the written statement required under section 41, designed for use in a presentation to a customer or prospective customer, whether such material is given or shown to him.

(3) Where the Commission has issued an order under subsection 1, the Director may prohibit the use of the advertising and sales literature so delivered or may require that deletions or changes be made prior to its use. Prohibition of advertising

(4) Where an order has been made under subsection 1, the Commission, on application of the registered dealer at any time after the date thereof, may rescind or vary the order where in its opinion it is not contrary to the public interest to do so. Rescission or variation of order

PART XIII

ENFORCEMENT

55.—(1) Every person or company that, Offences, general

(*a*) makes a statement in any material, evidence or information submitted or given under this Act or

the regulations to the Commission, its representative, the Director or to any person appointed to make an investigation or audit under this Act that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;

(*b*) makes a statement in any application, release, report, return, financial statement, or other document required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;

(*c*) otherwise contravenes this Act or the regulations; or

(*d*) fails to observe or to comply with any direction, decision, ruling, order or other requirement made under this Act or the regulations,

is guilty of an offence and on summary conviction is liable, in the case of a company or a person other than an individual, to a fine of not more than $25,000 and, in the case of an individual, to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Defence

(2) No person or company is guilty of an offence under clause *a* or *b* of subsection 1 if he or it, as the case may be, did not know and in the exercise of reasonable diligence could not have known that the statement was a misrepresentation.

Directors and officers

(3) Where a company or a person other than an individual is guilty of an offence under subsection 1, every director or officer of such company or person who authorized, permitted, or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than $2,000, or to imprisonment for a term of not more than one year.

Consent of Minister

56. No proceedings under section 55 shall be instituted except with the consent or under the direction of the Minister.

Information containing more than one offence

57. An information in respect of any contravention of this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences.

58.—(1) Where a provincial judge, magistrate or justice of another province or territory of Canada issues a warrant for the arrest of any person on a charge of contravening any provision of a statute of such province or territory similar to this Act, any provincial judge or justice of Ontario within whose jurisdiction that person is or is suspected to be, may, upon satisfactory proof of the handwriting of the provincial judge, magistrate or a justice who issued the warrant, make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed is sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all constables within the territorial jurisdiction of the provincial judge or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to rearrest such person anywhere in Ontario. Execution of warrant issued in another province

(2) Any constable of Ontario or of any other province or territory of Canada who is passing through Ontario having in his custody a person arrested in another province or territory under a warrant endorsed under subsection 1 is entitled to hold, take and rearrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof. Prisoner in transit

59.—(1) Where it appears to the Commission that any person or company has failed to comply with or is violating any decision or any provision of this Act or the regulations, the Commission may, notwithstanding the imposition of any penalty in respect of such non-compliance or violation and in addition to any other rights it may have, apply to a judge of the High Court designated by the Chief Justice of the High Court for an order, Order for compliance

(*a*) directing such person or company to comply with such decision or provision or restraining such person or company from violating such decision or provision; and

(*b*) directing the directors and senior officers of such person or company to cause such person or company to comply with or to cease violating any such decision or provision,

and, upon the application, the judge may make such order or such other order as he thinks fit.

(2) An appeal lies to the Supreme Court from an order made under subsection 1. Appeal

Limitation period

60.—(1) No proceedings under this Part shall be commenced in a court more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission.

Idem

(2) No proceedings under this Act shall be commenced before the Commission more than two years after the facts upon which the proceedings are based first came to the knowledge of the Commission.

PART XIV

GENERAL PROVISIONS

Refunds

61. Where,

(*a*) an application for registration or renewal of registration is abandoned;

(*b*) an application for recognition of a commodity futures exchange is abandoned; or

(*c*) an application for acceptance of the form of contract is abandoned,

the Director may, upon the application of the person or company who made the application recommend to the Treasurer of Ontario that a refund of the fee paid on the making of the application or such part thereof as he considers fair and reasonable be made, and the Treasurer may make such refund from the Consolidated Revenue Fund.

Admissibility in evidence of certified statements

62. A statement as to,

(*a*) the registration or non-registration of any person or company;

(*b*) the filing or non-filing of any document or material required or permitted to be filed;

(*c*) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, company, document or material; or

(*d*) the date of the facts upon which any proceedings are to be based first came to the knowledge of the Commission,

purporting to be certified by the Commission or a member thereof, or by the Director is, without proof of the

office or signature of the person certifying, admissible in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution.

63.—(1) Where this Act or the regulations require that material be filed, the filing shall be effected by depositing the material, or causing it to be deposited, with the Commission and all material so filed shall, subject to subsection 2, be made available by the Commission for public inspection during the normal business hours of the Commission. Material available for inspection

(2) Notwithstanding subsection 1, the Commission may hold material or any class of material required to be filed by this Act in confidence so long as the Commission is of the opinion that the material so held discloses intimate financial, personal or other information and that the desirability of avoiding disclosure thereof in the interests of any person or company affected outweighs the desirability of adhering to the principle that material filed with the Commission be available to the public for inspection. Idem

64.—(1) No action or other proceeding for damages shall be instituted against the Commission or any member thereof, or any officer, servant or agent of the Commission for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power. Immunity of Commission and officers

(2) No person or company has any rights or remedies and no proceedings lie or shall be brought against any person or company for any act or omission of the last-mentioned person or company done or omitted in compliance with this Act, the regulations or any direction, decision, order, ruling or other requirement made or given under this Act or the regulations. Immunity re intended compliance

(3) Subsection 1 does not, by reason of subsections 2 and 3 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by the Commission or any person referred to in subsection 1 to which the Crown would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. Liability of Crown R.S.O. 1970, c. 365

65. The Lieutenant Governor in Council may make regulations, Regulations

1. prescribing requirements respecting applications for registration and renewal of registration, and providing for the expiration of registrations;

2. classifying registrants into categories and prescribing the terms and conditions of registration of registrants in each category;

3. governing the furnishing of information to the public or to the Commission by a registrant in connection with contracts or trades therein;

4. designating any person or company or any class of persons or companies that shall not be required to obtain registration as an adviser;

5. designating any goods, article, service, right or interest, or class thereof, a commodity;

6. prescribing conditions for the conduct of the business of a commodity futures exchange;

7. prescribing conditions precedent to the recognition of self-regulatory bodies under section 15;

8. prescribing the fees payable to the Commission including fees for filing, fees upon applications for registration, fees in respect of audits made by the Commission and other fees in connection with the administration of this Act and the regulations;

9. prescribing the documents, certificates, reports, releases, statements, agreements and other particulars relating thereto that are required to be filed, furnished or delivered under this Act and the regulations;

10. prescribing the practice and procedure of investigations under sections 7 and 9;

11. prescribing the forms for use under this Act and the regulations;

12. respecting the content and distribution of written, printed or visual material and advertising that may be distributed or used by a person or company in respect of a contract;

13. prescribing the form and content of the written statement required by section 40;

14. prescribing the form and content of the written agreement referred to in subsection 2 of section 46;

15. respecting the practice and procedure for the segregation of customers' money, securities, property, proceeds and funds under section 46;

16. permitting the Commission or the Director to exempt any person or company from the provisions of the regulations or vary the provisions as they apply to any person or company.

66. The Commission may, where in its opinion to do so would not be prejudicial to the public interest, make an order on such terms and conditions as it may impose revoking or varying any decisions made by it under this Act or the regulations. Commission's discretion to revoke or vary its decision

67. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

68. The short title of this Act is *The Commodity Futures Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to regulate Trading
in Commodity Futures Contracts

1st Reading

February 28th, 1978

2nd Reading

April 6th, 1978

3rd Reading

June 23rd, 1978

THE HON. L. GROSSMAN
Minister of Consumer and
Commercial Relations

BILL 9 1st. in Leg. Leg. Sitting

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Business Corporations Act

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 9 **1978**

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 3 of subsection 1 of section 1 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, is repealed. s. 1 (1), par. 3, repealed

(2) Paragraph 15 of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1), par. 15, re-enacted

15. "individual" means a natural person, but does not include a partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, or a natural person in his capacity as trustee, executor, admininstrator or other legal personal representative.

(3) Paragraph 19 of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1972, chapter 138, section 1, is repealed and the following substituted therefor: s. 1 (1), par. 19, re-enacted

19. "officer" means the chairman, any vice-chairman of the board of directors, the president, any vice-president, the secretary, the assistant secretary, the treasurer, the assistant treasurer and the general manager of a corporation, and any other person designated an officer of a corporation by by-law or by resolution of the directors or any other individual who performs functions for a corporation similar to those normally performed by an individual occupying any such office.

(4) Paragraph 25 of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1), par. 25, re-enacted

25. "senior officer" means,

i. the chairman or a vice-chairman of the boar of directors, the president, a vice-presiden the secretary, the treasurer or the genera manager of a corporation or any other in dividual who performs functions for a co poration similar to those normally performe by an individual occupying any such offic and

ii. each of the five highest paid employees of corporation, including any individual referre to in subparagraph i.

s. 1 (6), repealed

(5) Subsection 6 of the said section 1 is repealed.

s. 1 (9) (*a*), amended

(6) Clause *a* of subsection 9 of the said section 1, as re-enacte by the Statutes of Ontario, 1972, chapter 138, section 1, i amended by inserting after "*Act*" in the fourth line "*1978*"

s. 1 (9) (*b*), re-enacted

(7) Clause *b* of subsection 9 of the said section 1, as re enacted by the Statutes of Ontario, 1972, chapter 138 section 1, is repealed and the following substitute therefor:

(*b*) any of its securities have been at any time sinc the 1st day of May, 1967, listed and posted fo trading on any stock exchange in Ontario recognize by the Commission, regardless of when such listin and posting for trading commenced,

. . . . .

s. 41, repealed

2. Section 41 of the said Act, as re-enacted by the Statutes o Ontario, 1972, chapter 138, section 14, is repealed.

s. 57 (2), amended

3. Subsection 2 of section 57 of the said Act, as re-enacted b the Statutes of Ontario, 1972, chapter 138, section 16, i amended by inserting after "*Act*" in the seventh line "*1978*".

s. 63 (1) (*d*), amended

4. Clause *d* of subsection 1 of section 63 of the said Act is amende by inserting after "*Act*" in the fourth line "*1978*".

s. 118 (2) (*b*), re-enacted

5. Clause *b* of subsection 2 of section 118 of the said Act i repealed and the following substituted therefor:

1978, c. ...

(*b*) any solicitation by a person made under section 4 of *The Securities Act, 1978*; and

. . . . .

6. Section 148, as amended by the Statutes of Ontario, 1971, chapter 26, section 23, and sections 149, 150, 151 and 152 of the said Act are repealed. ss. 148-152, repealed

7.—(1) Clause *b* of subsection 1 of section 172 of the said Act is repealed and the following substituted therefor: s. 172 (1) (*b*), re-enacted

(*b*) in the case of a corporation that is offering its securities to the public, the financial statement required to be filed under *The Securities Act, 1978* and the regulations thereunder relating separately to, 1978, c. ...

(i) the period that commenced on the date of incorporation and ended as of the close of the first financial year or, if the corporation has completed a financial year, the last financial year, as the case may be, and

(ii) the period covered by the financial year next preceding the last financial year, if any.

(2) Subsection 2 of the said section 172 is repealed and the following substituted therefor: s. 172 (2), re-enacted

(2) It is not necessary to designate the statements referred to in clause *a* of subsection 1 as the statement of profit and loss, statement of surplus and balance sheet. Designation of statements

8.—(1) Clause *a*, and clauses *k* and *l* as enacted by the Statutes of Ontario, 1971, chapter 26, section 26 and amended by 1972, chapter 138, section 50, of subsection 1 of section 173 of the said Act are repealed. s. 173 (1) (*a*, *k*, *l*), repealed

(2) Subsection 2 of the said section 173, as amended by the Statutes of Ontario, 1972, chapter 138, section 50, is further amended by striking out "*h*, *k* and *l*" in the amendment of 1972 and inserting in lieu thereof "and *h*". s. 173 (2), amended

(3) Subsections 3 and 4 of the said section 173 are repealed. s. 173 (3, 4), repealed

9. Sections 175 and 176 of the said Act are repealed. ss. 175, 176, repealed

10.—(1) Paragraph 16, and paragraphs 18 to 21 as enacted by the Statutes of Ontario, 1971, chapter 26, section 28, of subsection 3 of section 178 of the said Act are repealed. s. 178 (3), pars. 16, 18-21 repealed

(2) Subsection 4 of the said section 178, as enacted by the Statutes of Ontario, 1972, chapter 138, section 51, is repealed. s. 178 (4), repealed

s. 179 (1), amended

11.—(1) Subsection 1 of section 179 of the said Act is amended by inserting after "corporation" in the second line "to which clause *a* of subsection 1 of section 172 applies".

s. 179 (3), amended

(2) Subsection 3 of the said section 179 is amended by inserting after "corporation" in the second line "to which either clause *a* or *b* of subsection 1 of section 172 applies".

s. 185, re-enacted

12. Section 185 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 30, is repealed and the following substituted therefor:

Interim financial statements

1978, c. ...

185.—(1) A corporation that is offering its securities to the public shall send to each shareholder a copy of an interim financial statement required to be filed under *The Securities Act, 1978* and the regulations thereunder.

Distribution to shareholders

(2) The interim financial statement required by subsection 1 shall be sent by prepaid mail to each shareholder, within sixty days of the date to which it is made up, at his latest address as shown on the records of the corporation.

s. 251 (2), amended

13. Subsection 2 of section 251 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 67, section 1, is amended by striking out "section 134 of *The Securities Act*" in the second and third lines and in the sixth and seventh lines and inserting in lieu thereof in each instance "sections 76 and 77 of *The Securities Act, 1978*".

s. 260 (2), repealed

14.—(1) Subsection 2 of section 260 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 43, is repealed.

s. 260 (3), amended

(2) Subsection 3 of the said section 260 is amended by striking out "subsections 1 and 2" in the first line and inserting in lieu thereof "subsection 1".

s. 261 (2), re-enacted

15. Subsection 2 of section 261 of the said Act is repealed and the following substituted therefor:

Idem

(2) Where it appears to the Commission that any person or corporation to which section 117 or subsection 1 of section 118 applies has failed to comply with or is contravening any such provision, the Commission may, notwithstanding the imposition of any penalty in respect of such non-compliance or contravention and in addition to any other rights it may have, apply to the court for an order,

(*a*) directing such person or corporation to comply with such provision or restraining such person or corporation from contravening such provision; and

(*b*) directing the directors and senior officers of such person or corporation to cause such person or corporation to comply with or to cease contravening any such provision,

and upon such application, the court may make such order or such other order as the court thinks fit.

16. Section 269 of the said Act is repealed and the following substituted therefor: s. 269, re-enacted

269. Any person or corporation directly affected by a decision of the Commission under this Act may appeal to the Supreme Court and subsections 2 to 6 of section 9 of *The Securities Act, 1978* apply to the appeal. Appeal from Commission 1978, c. ...

17. Clause *e* of section 271 of the said Act is repealed. s. 271 (*e*), repealed

18. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

19. The short title of this Act is *The Business Corporations Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Business Corporations Act

1st Reading

February 28th, 1978

2nd Reading

April 6th, 1978

3rd Reading

June 23rd, 1978

THE HON. L. GROSSMAN
Minister of Consumer and
Commercial Relations

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1 Ont. nie

BILL 10

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend the Discounting of Income Tax Refunds Act, 1977

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 10 **1978**

An Act to amend the Discounting of Income Tax Refunds Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Income Tax Discounters Act, 1977*, being chapter 55, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: s. 1, amended

(*a*) "Director" means the Director under *The Ministry of Consumer and Commercial Relations Act*. R.S.O. 1970, c. 113

2. Section 4 of the said Act is amended by adding thereto the following subsections: s. 4, amended

(2) No discounter shall give or offer to give to a taxpayer, in return for the right to receive a refund which is due or will become due to the taxpayer, a consideration of less than 95 per cent of the amount of the refund or such greater amount as may be prescribed by the regulations. Exceeding maximum discount prohibited

(3) No discounter shall acquire from a taxpayer the right to receive a refund unless the discounter pays the whole of the consideration for the acquisition at the time of the acquisition in cash or by cheque that is payable immediately. Consideration for acquisition to be cash or cheque

3. The said Act is amended by adding thereto the following sections: ss. 9*a*, 9*b*, enacted

9*a*.—(1) In this section, "person being investigated" means a person whom the Director, upon a statement made under oath, believes on reasonable and probable grounds has contravened, is contravening or is about to contravene any of the provisions of this Act or regulations. Interpretation

(2) The Director, if he believes it advisable for the protection of clients of a person being investigated may, in writing or by telegram, direct any person having on deposit Order to refrain from dealing with assets

or under control or for safekeeping any assets or trust funds of the person being investigated, to hold such assets or trust funds or direct the person being investigated to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.C. 1970, cc. B-4, W-11

R.S.O. 1970, cc. 228, 89, 53

Bond in lieu

(3) Subsection 2 does not apply where the person being investigated files with the Director,

(*a*) a personal bond accompanied by collateral security;

(*b*) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

R.S.O. 1970, c. 196

(*c*) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

Application for direction

(4) Any person in receipt of a direction given under subsection 2, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Application for cancellation of direction

(5) Any person being investigated in respect of whom a direction has been given by the Director under subsection 2 may, at any time, apply to the court for cancellation in whole or in part of the direction and the court shall dispose of the application after a hearing and may, if it finds that such a direction is not required in whole or in part for the protection of consumers of the applicant or that the interests of other persons are unduly prejudiced thereby, cancel the direction in whole or in part, and the applicant, the Director and such other persons as the court may specify are parties to the proceedings before the court.

9*b*. Any notice or document required by this Act to be served or given may be served or given personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served or given by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date. Service of notice

4. Clause *d* of section 11 of the said Act is amended by striking out "section 3" in the third line and inserting in lieu thereof "sections 3 and 4". s. 11 (*d*), amended

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. The short title of this Act is *The Income Tax Discounters Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR March 10, 1978

ASSEMBLY PROROGUED ..... 19....

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
the Discounting of Income
Tax Refunds Act, 1977

1st Reading

February 28th, 1978

2nd Reading

March 7th, 1978

3rd Reading

March 7th, 1978

THE HON. L. GROSSMAN
Minister of Consumer and
Commercial Relations

BILL 11 1st rd. in Leg. Leg. S. Hin

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Vital Statistics Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 11 1978

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 11 of section 6 of *The Vital Statistics Act*, being chapter 483 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1976, chapter 40, section 1, is amended by striking out "but followed by" in the third line. s. 6 (11) (*a*), amended

(2) Clause *b* of subsection 11 of the said section 6 is amended by striking out "but followed by" in the fifth line. s. 6 (11) (*b*), amended

(3) The said section 6, as amended by the Statutes of Ontario, 1973, chapter 114, section 3, 1976, chapter 40, section 1 and 1977, chapter 41, section 23, is further amended by adding thereto the following subsections: s. 6, amended

(12) Where a joint request is made under subsection 11 and a registration is made showing the surname of the husband or father, as the case may be, hyphenated or combined with the surname of the mother, the births of all children born to the persons making the joint application subsequent to the registration shall be registered in the surname given to the child whose birth was registered pursuant to the request under subsection 11. Registration of births after subs. 11 request

(13) Where a joint request is made under subsection 11 in respect of a registration of birth made before this Act comes into force, the Registrar General shall amend the registration in accordance with the joint request. Amendment of prior registration

2. The said Act is amended by adding thereto the following section: s. 31*a*, enacted

CHANGES RESULTING FROM TRANSSEXUAL SURGERY

31*a*.—(1) Where a person has had his anatomical sex structure changed to a sex other than that which appears Changing sex designation appearing on registration of birth

on his registration of birth, he may apply to the Registrar General to have the designation of sex on his registration of birth changed so that the designation will be consistent with the results of the transsexual surgery.

Application

(2) An application made under subsection 1 shall be accompanied by,

(*a*) a certificate signed by a medical practitioner legally qualified to practise medicine in the jurisdiction in which the transsexual surgery was performed upon the applicant, certifying that,

(i) he performed transsexual surgery on the applicant, and

(ii) as a result of the transsexual surgery, the designation of sex of the applicant should be changed on the registration of his birth;

(*b*) a certificate of a medical practitioner who did not perform the transsexual surgery but who is qualified and licensed to practise medicine in Ontario certifying that,

(i) he has examined the applicant,

(ii) the results of the examination substantiate that transsexual surgery was performed upon the applicant, and

(iii) as a result of the transsexual surgery, the description of the sex of the applicant should be changed on the registration of birth of the applicant; and

(*c*) evidence satisfactory to the Registrar General as to the identity of the applicant.

Alternate medical evidence

(3) Where it is not possible to obtain the medical certificate referred to in clause *a* of subsection 2, the applicant shall submit such medical evidence of the transsexual surgery as the Registrar General considers necessary.

Notation on birth registration to be consistent with result of surgery

(4) The Registrar General shall, upon application made to him in accordance with this section, cause a notation to be made on the birth registration of the applicant so that the registration is consistent with the results of the surgery.

(5) Every birth certificate issued after the making of a notation under this section shall be issued as if the original registration of birth had been made showing the designation of sex as changed under this section. Birth certificate issued after notation

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

4. The short title of this Act is *The Vital Statistics Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Vital Statistics Act

1st Reading

February 28th, 1978

2nd Reading

April 6th, 1978

3rd Reading

December 12th, 1978

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

BILL 19 1st. rdg. 2nd. rdg. 3rd. rdg.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Mental Health Act

THE HON. D. R. TIMBRELL
Minister of Health

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 19 **1978**

An Act to amend The Mental Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Mental Health Act*, being chapter 269 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses: s. 1. amended

(*ca*) "involuntary patient" means a person who is detained in a psychiatric facility under a certificate of involuntary admission or a certificate of renewal;

. . . . .

(*fa*) "mentally competent" means having the ability to understand the subject-matter in respect of which consent is requested and able to appreciate the consequences of giving or withholding consent;

. . . . .

(*ga*) "nearest relative" means,

(i) the spouse who is of any age and mentally competent, or

(ii) if none or if the spouse is not available, any one of the children who has attained the age of majority and is mentally competent, or

(iii) if none or if none is available, either of the parents who is mentally competent or the guardian, or

(iv) if none or if neither is available, any one of the brothers or sisters who has attained the age of majority and is mentally competent, or

(v) if none or if none is available, any other of the next of kin who has attained the age of majority and is mentally competent;

(*ha*) "out-patient" means a person who is registered in a psychiatric facility for observation or treatment or both, but who is not admitted as a patient and is not the subject of an application for assessment;

. . . . . .

(*ja*) "prescribed" means prescribed by the regulations.

. . . . . .

(*la*) "regional review board" means the review board appointed under section 27 having jurisdiction in respect of the psychiatric facility in which the person in respect of whom a hearing is required is a patient;

. . . . . .

(*ma*) "restrain" means keep under control by the minimal use of such force, mechanical means or chemicals as is reasonable having regard to the physical and mental condition of the patient.

s.1*a*, enacted

2. The said Act is amended by adding thereto the following section:

Effect of Act on rights and privileges

1*a*. Nothing in this Act shall be deemed to affect the rights or privileges of any person except as specifically set out in this Act.

s. 8, re-enacted

3. Section 8 of the said Act is repealed and the following substituted therefor:

Application for psychiatric assessment

8.—(1) Where a physician examines a person and has reasonable cause to believe that the person,

(*a*) has threatened or attempted or is threatening or attempting to cause bodily harm to himself;

(*b*) has behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him; or

(*c*) has shown or is showing a lack of competence to care for himself,

and if in addition the physician is of the opinion that the person is apparently suffering from mental disorder of a nature or quality that likely will result in,

(*d*) serious bodily harm to the person;

(*e*) serious bodily harm to another person; or

(*f*) imminent and serious physical impairment of the person,

the physician may make application in the prescribed form for a psychiatric assessment of the person.

Contents of application

(2) An application under subsection 1 shall set out clearly that the physician who signs the application personally examined the person who is the subject of the application and made careful inquiry into all of the facts necessary for him to form his opinion as to the nature and quality of the mental disorder of the person.

Idem

(3) A physician who signs an application under subsection 1,

(*a*) shall set out in the application the facts upon which he formed his opinion as to the nature and quality of the mental disorder;

(*b*) shall distinguish in the application between the facts observed by him and the facts communicated to him by others; and

(*c*) shall note in the application the date on which he examined the person who is the subject of the application.

Signing of application

(4) An application under subsection 1 is not effective unless it is signed by the physician within seven days after he examined the person who is the subject of the examination.

Authority of application

(5) An application under subsection 1 is sufficient authority for seven days from and including the day on which it is signed by the physician,

(*a*) to any person to take the person who is the subject of the application in custody to a psychiatric facility forthwith; and

(*b*) to detain the person who is the subject of the application in a psychiatric facility and to restrain, observe and examine him in the facility for not more than 120 hours.

s. 9 (1), re-enacted

4.—(1) Subsection 1 of section 9 of the said Act is repealed and the following substituted therefor:

Justice of the peace's order for psychiatric assessment

(1) Where information upon oath is brought before a justice of the peace that a person within the limits of the jurisdiction of the justice,

(*a*) has threatened or attempted or is threatening or attempting to cause bodily harm to himself;

(*b*) has behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him; or

(*c*) has shown or is showing a lack of competence to care for himself,

and in addition based upon the information before him the justice of the peace has reasonable cause to believe that the person is apparently suffering from mental disorder of a nature or quality that likely will result in,

(*d*) serious bodily harm to the person;

(*e*) serious bodily harm to another person; or

(*f*) imminent and serious physical impairment of the person,

the justice of the peace may issue his order in the prescribed form for the assessment of the person by a physician.

s. 9 (2), repealed

(2) Subsection 2 of the said section 9 is repealed.

s. 9 (4), re-enacted

(3) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

Authority of order

(4) An order under this section shall direct, and, for a period not to exceed seven days from and including the day that it is made, is sufficient authority for any constable or other peace officer to whom it is addressed to take the person named or described therein in custody forthwith to an appropriate place where he may be detained for assessment by a physician.

ss. 10, 11, 12, re-enacted

5. Sections 10, 11 and 12 of the said Act are repealed and the following substituted therefor:

Action by peace officer

10. Where a constable or other peace officer observes a person who acts in a manner that in a normal person would

be disorderly and has reasonable cause to believe that the person,

(*a*) has threatened or attempted or is threatening or attempting to cause bodily harm to himself;

(*b*) has behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him; or

(*c*) has shown or is showing a lack of competence to care for himself,

and in addition the constable or other peace officer is of the opinion that the person is apparently suffering from mental disorder of a nature or quality that likely will result in,

(*d*) serious bodily harm to the person;

(*e*) serious bodily harm to another person; or

(*f*) imminent and serious physical impairment of the person,

and that it would be dangerous to proceed under section 9, the constable or other peace officer may take the person in custody to an appropriate place for assessment by a physician.

Place of psychiatric assessment

11. An assessment under section 9 or 10 shall be conducted by a physician forthwith after receipt of the person at the place of assessment and where practicable the place shall be a psychiatric facility or other health facility.

Change from informal patient to involuntary patient

12. Subject to subsection 3*b* of section 13, the attending physician may change the status of an informal patient to that of an involuntary patient by completing and filing with the officer in charge a certificate of involuntary admission.

s. 13 (1-3), re-enacted

6.—(1) Subsections 1 to 3 of section 13 of the said Act are repealed and the following substituted therefor:

Duty of attending physician

(1) The attending physician, after observing and examining a person who is the subject of an application for assessment under section 8 or who is the subject of an order under section 25,

(*a*) shall release the person from the psychiatric facility if the attending physician is of the opinion that the person is not in need of the treatment provided in a psychiatric facility;

(*b*) shall admit the person as an informal patient if the attending physician is of the opinion that the person is suffering from mental disorder of such a nature or quality that the person is in need of the treatment provided in a psychiatric facility and is suitable for admission as an informal patient; or

(*c*) shall admit the person as an involuntary patient by completing and filing with the officer in charge a certificate of involuntary admission if the attending physician is of the opinion both that the person is suffering from mental disorder of a nature or quality that likely will result in,

(i) serious bodily harm to the person,

(ii) serious bodily harm to another person, or

(iii) imminent and serious physical impairment of the person,

unless the person remains in the custody of a psychiatric facility and that the person is not suitable for admission as an informal patient.

Physician who completes certificate of involuntary admission

(2) The physician who completes a certificate of involuntary admission pursuant to clause *c* of subsection 1 shall not be the same physician who completed the application for psychiatric assessment pursuant to section 8.

Release of person by officer in charge

(3) The officer in charge shall release a person who is the subject of an application for assessment under section 8 or who is the subject of an order under section 25 upon the completion of 120 hours of detention in the psychiatric facility unless the attending physician has released the person, has admitted the person as an informal patient or has admitted the person as an involuntary patient by completing and filing with the officer in charge a certificate of involuntary admission.

Authority of certificate

(3*a*) An involuntary patient may be detained, restrained, observed and examined in a psychiatric facility,

(*a*) for not more than two weeks under a certificate of involuntary admission; and

(*b*) for not more than,

(i) one additional month under a first certificate of renewal,

(ii) two additional months under a second certificate of renewal, and

(iii) three additional months under a third or subsequent certificate of renewal,

that is completed and filed with the officer in charge by the attending physician.

(3*b*) The attending physician shall not complete a certificate of involuntary admission or a certificate of renewal unless, after he has examined the patient, he is of the opinion both, Conditions precedent to making of certificate of involuntary admission or certificate of renewal

(*a*) that the patient is suffering from mental disorder of a nature or quality that likely will result in,

(i) serious bodily harm to the patient,

(ii) serious bodily harm to another person, or

(iii) imminent and serious physical impairment of the patient,

unless the patient remains in the custody of a psychiatric facility; and

(*b*) that the patient is not suitable for admission or continuation as an informal patient.

(2) The said section 13 is amended by adding thereto the following subsection: s. 13, amended

(6) Forthwith following completion and filing of a certificate of involuntary admission or of a certificate of renewal, the officer in charge or his delegate, shall review the certification documents to ascertain whether or not they have been completed in compliance with the criteria outlined in this Act and where, in his opinion, the documents are not properly completed, the officer in charge shall so inform the attending physician and, unless the person is re-examined and released or admitted in accordance with subsections 1 and 2, the officer in charge shall release the person. Examination of certificate by officer in charge

7. Subsection 1 of section 21 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 21 (1), amended

(1) Where a person who is subject to detention is absent without leave from a psychiatric facility, a constable or other peace officer or any one appointed by the officer in charge may return the person to the psychiatric facility or take the Unauthorized absence

person to the psychiatric facility nearest to the place where the person is apprehended,

. . . . .

s. 25. re-enacted

8. Section 25 of the said Act is repealed and the following substituted therefor:

Mentally disordered person coming into Ontario

25. Where the Minister has reasonable cause to believe that there may come or be brought into Ontario a person suffering from mental disorder of a nature or quality that likely will result in,

(*a*) serious bodily harm to the person; or

(*b*) serious bodily harm to another person,

unless the person is placed in the custody of a psychiatric facility, the Minister by an order in the prescribed form may authorize any one to take the person in custody to a psychiatric facility and the order is authority to admit, detain, restrain, observe and examine the person in the psychiatric facility.

s. 25*a*. enacted

9. The said Act is amended by adding thereto the following section:

Duty of constable, other peace officer or other person

25*a*. A constable or other peace officer or any one who takes a person in custody to a psychiatric facility shall remain at the facility and retain custody of the person so taken until the facility accepts the custody of the person.

s. 26*a*. enacted

10. The said Act is further amended by adding thereto the following section:

Interpretation

26*a*.—(1) In this section,

(*a*) "clinical record" means the clinical record compiled in a psychiatric facility in respect of a patient, and includes a part of a clinical record;

(*b*) "patient" includes former patient, out-patient, and former out-patient.

Disclosure of clinical record

(2) Except as provided in subsections 3 and 5, no person shall disclose, transmit or examine a clinical record.

Idem

(3) The officer in charge and the attending physician in the psychiatric facility in which a clinical record was prepared may examine the clinical record and the officer in charge

may disclose or transmit the clinical record to or permit the examination of the clinical record by,

(*a*) where the patient has attained the age of majority and is mentally competent, any person with the consent of the patient;

(*b*) where the patient has not attained the age of majority or is not mentally competent, any person with the consent of the nearest relative of the patient;

(*c*) any person employed in or on the staff of the psychiatric facility for the purpose of assessing or treating or assisting in assessing or treating the patient;

(*d*) the chief executive officer of a health facility that is currently involved in the direct health care of the patient upon the written request of the chief executive officer to the officer in charge;

(*e*) with the consent of the patient or, where the patient has not attained the age of majority or is not mentally competent, with the consent of the nearest relative of the patient or, where delay in obtaining the consent of either of them would endanger the life, a limb or a vital organ of the patient, without the consent of either of them, a person currently involved in the direct health care of the patient in a health facility;

(*f*) a person for the purpose of research, academic pursuits or the compilation of statistical data.

Use of material in clinical record for research, study or statistics

(4) Where a clinical record,

(*a*) is transmitted or copied for use outside the psychiatric facility for the purpose of research, academic pursuits or the compilation of statistical data, the officer in charge shall remove from the part of the clinical record that is transmitted or from the copy, as the case may be, the name of and any means of identifying the patient; and

(*b*) is disclosed to or examined by a person for the purpose of research, academic pursuits or the compilation of statistical data, the person shall not disclose the name of or any means of identifying the patient and shall not use or communicate the information or material in the clinical record for a purpose other than research, academic pursuits or the compilation of statistical data.

Disclosure pursuant to subpoena

(5) Subject to subsections 6 and 7, the officer in charge or a person designated in writing by the officer in charge shall disclose, transmit or permit the examination of a clinical record pursuant to a subpoena, order, direction, notice or similar requirement in respect of a matter in issue or that may be in issue in a court of competent jurisdiction or under any Act.

Statement by attending physician

(6) Where the disclosure, transmittal or examination of a clinical record is required by a subpoena, order, direction, notice or similar requirement in respect of a matter in issue or that may be in issue in a court of competent jurisdiction or under any Act and the attending physician states in writing that he is of the opinion that the disclosure, transmittal or examination of the clinical record or of a specified part of the clinical record,

(*a*) is likely to result in harm to the treatment or recovery of the patient; or

(*b*) is likely to result in,

(i) injury to the mental condition of a third person, or

(ii) bodily harm to a third person,

no person shall comply with the requirement with respect to the clinical record or the part of the clinical record specified by the attending physician except under an order of,

(*c*) the court before which the matter is or may be in issue; or

(*d*) where the disclosure, transmittal or examination is not required by a court, under an order of the Divisional Court,

made after a hearing from which the public is excluded and that is held on notice to the attending physician.

Matters to be considered by court or body

(7) On a hearing under subsection 6, the court or body shall consider whether or not the disclosure, transmittal or examination of the clinical record or the part of the clinical record specified by the attending physician

(*a*) is likely to result in harm to the treatment or recovery of the patient; or

(*b*) is likely to result in,

(i) injury to the mental condition of a third person, or

(ii) bodily harm to a third person,

and for the purpose the court or body may examine the clinical record, and, if satisfied that such a result is likely, the court or body shall not order the disclosure, transmittal or examination unless satisfied that to do so is essential in the interests of justice.

Return of clinical record to officer in charge

(8) Where a clinical record is required pursuant to subsection 5 or 6, the clerk of the court or body in which the clinical record is admitted in evidence or, if not so admitted, the person to whom the clinical record is transmitted shall return the clinical record to the officer in charge forthwith after the determination of the matter in issue in respect of which the clinical record was required.

Disclosure in action or proceeding

(9) No person shall disclose in an action or proceeding in any court or before any body any knowledge or information in respect of a patient obtained in the course of assessing or treating or assisting in assessing or treating the patient in a psychiatric facility or in the course of his employment in the psychiatric facility except,

(*a*) where the patient has attained the age of majority and is mentally competent, with the consent of the patient;

(*b*) where the patient has not attained the age of majority or is not mentally competent, with the consent of the nearest relative of the patient; or

(*c*) where the court or, in the case of a proceeding not before a court, the Divisional Court determines, after a hearing from which the public is excluded and that is held on notice to the patient or (where the patient has not attained the age of majority or is not mentally competent) the nearest relative of the patient, that the disclosure is essential in the interests of justice.

ss. 28-30, re-enacted

11. Sections 28, 29 and 30 of the said Act are repealed and the following substituted therefor:

Notice of certificate to be given or transmitted to patient

28.—(1) An attending physician who completes a certificate of involuntary admission or a certificate of renewal shall give or transmit a notice in writing of completion and filing of the certificate to the patient who is the subject of the certificate and to the area director for the area, in accordance with *The Legal Aid Act*, in which the psychiatric facility is located.

R.S.O. 1970, c. 239

Notice

(2) A notice under subsection 1 shall inform the patient and the area director that the patient or any person on his behalf is entitled to a hearing by the regional review board if the patient or the person gives or transmits to the officer in charge or to the regional review board notice in writing requiring a hearing and the patient or the person may so require such a hearing.

Application for review by patient, etc.

(3) An involuntary patient, or any person on his behalf, may apply in the prescribed form to the chairman of the regional review board having jurisdiction to inquire into whether the patient is suffering from mental disorder of a nature or quality that likely will result in,

(*a*) serious bodily harm to the patient;

(*b*) serious bodily harm to another person; or

(*c*) imminent and serious physical impairment of the patient,

unless the patient remains an involuntary patient in the custody of a psychiatric facility.

When application may be made

(4) An application under subsection 1 may be made,

(*a*) when a certificate of involuntary admission respecting the patient comes into force;

(*b*) when any certificate of renewal respecting the patient comes into force; or

(*c*) when the patient, after having been admitted to a psychiatric facility, is subsequently continued as an involuntary patient.

Application for review by Minister, etc.

(5) An application under subsection 1 may be made at any time by the Minister, the Deputy Minister or the officer in charge in respect of any involuntary patient.

Where notice deemed to have been given

(6) On the completion of a fourth certificate of renewal and on the completion of every fourth certificate of renewal

thereafter, the patient shall be deemed to have applied in the prescribed form pursuant to subsection 3 to the chairman of the regional review board having jurisdiction.

29. Notwithstanding that a hearing is required or an appeal is taken against a certificate of involuntary admission or a certificate of renewal, the certificate is effective until confirmed or rescinded on a hearing or appeal. **Effective of certificate**

30. The attending physician, the patient or other person who has required the hearing and such other persons as the regional review board may specify are parties to the proceedings before the board. **Parties**

30*a*. Where a patient or other person gives or transmits to the officer in charge a notice in writing pursuant to subsection 2 of section 28, the officer in charge shall transmit the requirement to the regional review board. **Transmittal of notice by officer in charge**

30*b*. A regional review board that received notice in writing requiring a hearing under subsection 2 of section 28 or under section 30*a* shall appoint a time and place for and hold the hearing. **Appointment of time and place for hearing**

30*c*. Within seven days from the day that a regional review board completes a hearing under section 30*b*, the board by an order in writing shall confirm or revoke the certificate of involuntary admission or the certificate of renewal and for the purpose the board may substitute its opinion for that of the attending physician. **Powers of board**

30*d*.—(1) A party to a proceeding shall be afforded an opportunity to examine and to copy, before the hearing, any written or documentary evidence that will be produced or any report, the contents of which will be produced or any report, the contents of which will be given in evidence at the hearing. **Examination of documentary evidence**

(2) Subject to section 26*a*, a party to a proceeding or the counsel or agent representing the party, or both, is entitled to examine and to copy any clinical record prepared in respect of the patient. **Party may examine clinical record**

30*e*.—(1) Members of a regional review board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except under notice to and opportunity for all parties to participate, but the **Members holding hearing not to have taken part in investigation, etc.**

regional review board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Only members at hearing to participate in decision

(2) No member of a regional review board shall participate in a decision of a regional review board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of a regional review board shall be given unless all members so present participate in the decision.

Findings of fact

(3) The findings of fact of a regional review board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Release of documentary evidence

(4) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the regional review board within a reasonable time after the matter in issue has been finally determined.

Appeal to court

30*f*.—(1) A party to proceedings before a regional review board may appeal from its decision in accordance with the rules of court to the county or district court of the county or district in which is located the psychiatric facility where the patient is detained.

Record to be filed in court

(2) Where a party appeals from a decision or order of a regional review board, the regional review board shall forthwith file in the county or district court the record of the proceedings before it in which the decision was made, which shall constitute the record in the appeal.

Appeal on law or facts

(3) An appeal under this section may be made on questions of law or fact or both.

Power of court

(4) On an appeal under this section, the court may exercise all the powers of the regional review board.

Idem

(5) For the purpose of subsection 4, the court may substitute its opinion for that of the attending physician or of the regional review board.

Idem

(6) On an appeal under this section, the court may refer the matter back to the regional review board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

12. The said Act is further amended by adding thereto the following section:

31*a*.—(1) In this section, "psychosurgery" means any procedure that, by direct or indirect access to the brain, removes, destroys or interrupts the continuity of histologically normal brain tissue, or which inserts indwelling electrodes for pulsed electrical stimulation for the purpose of altering behaviour or treating psychiatric illness, but does not include neurological procedures used to diagnose or treat organic brain conditions or to diagnose or treat intractable physical pain or epilepsy where these conditions are clearly demonstrable. Interpretation

(2) Psychiatric treatment shall not be given to an involuntary patient without the consent of the patient or, where the patient has not reached the age of majority or is not mentally competent, the consent of the nearest relative of the patient except under the authority of an order of a regional review board made on the application of the officer in charge. Consent to treatment

(3) The consent of an involuntary patient or the nearest relative of an involuntary patient to treatment while an involuntary patient does not include and shall not be deemed to include psychosurgery. Consent to psychosurgery

(4) Where, Application to regional review board

(*a*) an involuntary patient or the nearest relative of an involuntary patient, as the case requires, refuses consent or an involuntary patient is not mentally competent and there is no relative of the patient from whom consent may be requested to the provision of a specific psychiatric treatment or a specific course of psychiatric treatment to the patient; and

(*b*) the attending physician, a psychiatrist who is a member and a psychiatrist who is not a member of the medical staff of the psychiatric facility in which the patient is detained each state in the prescribed form;

(i) that he has examined the patient,

(ii) that he is of the opinion that the mental condition of the patient will be or is likely to be substantially improved by the specific psychiatric treatment or the specific course of psychiatric treatment, and

(iii) that the mental condition of the patient will not or is not likely to improve without the specific treatment or course of treatment,

the attending physician on notice to the patient or the nearest relative, as the case requires, may apply to the regional review board for an order authorizing the providing of the treatment or course of treatment to the patient.

Hearing

(5) Where the attending physician applies for a hearing under subsection 4, the regional review board shall appoint a time for and hold the hearing and shall issue its decision within seven days after the completion of the hearing and, where the board is satisfied,

(*a*) that the mental condition of the patient will be or is likely to be substantially improved by the specific psychiatric treatment or course of treatment for the providing of which authority is sought; and

(*b*) that the mental condition of the patient will not or is not likely to improve without the specific psychiatric treatment or course of treatment,

the board by order may authorize the providing of the psychiatric treatment or course of treatment specified in the application, but the board shall not authorize and no order of the board is or shall be deemed to be authority to perform psychosurgery.

Parties

(6) The attending physician and the patient or, where the patient is not mentally competent, the nearest relative or, if none, the Official Guardian and such other persons as the regional review board may specify are parties to the proceedings before the board.

ss. 32-38, re-enacted

13. Sections 32 to 38 of the said Act are repealed and the following substituted therefor:

Examination as to competency to manage estate, upon admission

32.—(1) Forthwith upon the admission of a patient to a psychiatric facility, a physician shall examine the patient to determine whether or not he is competent to manage his estate.

Idem

(2) The attending physician may examine a patient and a physician may examine an out-patient at any time to determine whether or not the patient or out-patient is competent to manage his estate.

Entry of determination and reasons in clinical record

(3) After an examination under subsection 1 or 2, the physician or attending physician, as the case may be, shall

enter his determination, together with written reasons therefor, in the clinical record prepared in respect of the patient.

(4) A physician or attending physician who performs an examination under subsection 1 or 2 and who is of the opinion that the patient or out-patient is not competent to manage his estate shall issue a certificate of incompetence in the prescribed form and the officer in charge shall transmit the certificate to the Public Trustee. Certificate of incompetence

(5) Where circumstances are such that the Public Trustee should immediately assume management of an estate, the officer in charge or, where the officer in charge is not present in the psychiatric facility, the physician or attending physician shall notify the Public Trustee in the fastest manner possible that a certificate of incompetence has been issued. Idem, exceptional circumstances

(6) A patient or out-patient may appoint the Public Trustee as committee of the estate of the patient or out-patient. Appointment by patient

(7) An appointment under subsection 6, Idem

(*a*) is not valid unless it is signed and sealed by the patient or out-patient; and

(*b*) may be revoked by a written revocation signed and sealed by the patient or out-patient.

(8) Where the Public Trustee is committee of the estate of a patient or out-patient at the time of his admission to or receipt in a psychiatric facility, a certificate of incompetence shall be deemed to have been issued and transmitted to the Public Trustee under subsection 4. Where Public Trustee is committee at time of admission or receipt of patient or out-patient

(9) Subsections 1 to 8 do not apply to a patient or out-patient whose estate is under committeeship under *The Mental Incompetency Act*. Where subss. 1-8 do not apply R.S.O. 1970, c. 271

33.—(1) Notwithstanding that under *The Mental Incompetency Act* a person other than the Public Trustee has been appointed as the committee of the estate of a patient or out-patient, the Supreme Court may at any time upon the application of the Public Trustee appoint him as committee in the stead of the person appointed under that Act, and on appointment the Public Trustee has and may exercise all the rights and powers conferred upon him by this Act with regard to the management of estates. Where Public Trustee may replace committee appointed under R.S.O. 1970, c. 271

(2) If at any time a committee of the estate of a patient or out-patient is appointed under *The Mental Incompetency Act*, the Public Trustee thereupon ceases to be committee and shall account for and transfer to the committee so appointed Duty of Public Trustee where committee appointed under R.S.O. 1970, c. 271

the estate of the patient or out-patient that has come into his hands.

Consent of Public Trustee to order

(3) An order shall not be made under *The Mental Incompetency Act* for the appointment of a committee of a patient or out-patient without the consent of the Public Trustee unless seven days notice of the application has been given to him.

Acts of Public Trustee not affected

(4) The acts of the Public Trustee while committee of a patient or out-patient are not rendered invalid by the making of an order appointing another committee.

Where Public Trustee committee

34. The Public Trustee is committee of the estate of a patient or out-patient and shall assume management thereof,

(*a*) upon receipt of a certificate of incompetence;

(*b*) upon receipt of notice under subsection 5 of section 32;

(*c*) upon receipt of an appointment under subsection 6 of section 32; or

(*d*) upon receipt of a notice of continuance under section 37.

Financial statement

35. Upon the Public Trustee becoming committee of the estate of a patient or out-patient, the officer in charge shall forthwith forward a financial statement in the prescribed form to the Public Trustee.

Cancellation of certificate of incompetence

36. The attending physician may, after examining a patient or out-patient for that purpose, cancel the certificate of incompetence issued in respect of the patient or out-patient and the officer in charge shall forward a notice of cancellation in the prescribed form to the Public Trustee.

Examination as to competency before discharge

37.—(1) Where the Public Trustee is managing the estate of a patient or out-patient, the attending physician shall examine the patient or out-patient within twenty-one days before he is discharged from a psychiatric facility to determine whether or not he will be competent to manage his estate.

Notice of continuance

(2) Where the attending physician is of the opinion, after the examination referred to in subsection 1, that the patient or out-patient will not, upon discharge, be competent to manage his estate, he shall issue a notice of continuance in the prescribed form and the officer in charge shall forward the notice to the Public Trustee.

(3) The officer in charge shall transmit to the Public Trustee notice of the discharge from the psychiatric facility of a patient or an out-patient in respect of whom a certificate of incompetence is in force.

Where notice of discharge to be transmitted to Public Trustee

38. The Public Trustee ceases to be committee of the estate of a patient or out-patient and shall relinquish management thereof,

Where Public Trustee ceases to be committee

(*a*) upon receipt of notice of cancellation of the certificate of incompetence of the patient or out-patient;

(*b*) upon receipt of a revocation in writing, signed and sealed by the patient or out-patient, of an appointment referred to in subsection 6 of section 32;

(*c*) upon receipt of notice of discharge of the patient or out-patient, unless he has at that time received a notice of continuance; or

(*d*) upon the expiration of six months after the discharge of the patient or out-patient, where a notice of continuance was received.

14.—(1) Subsection 1 of section 39 of the said Act is repealed and the following substituted therefor:

s. 39 (1), re-enacted

(1) Where a certificate of incompetence or a notice of continuance has been issued, the patient or out-patient may apply in the prescribed form to the chairman of the review board having jurisdiction to inquire into whether or not the patient or out-patient is competent to manage his estate.

Application to review board as to competency

(2) Subsection 2 of the said section 39 is amended by striking out "twelve-month" in the second line and inserting in lieu thereof "six-month".

s. 39 (2), amended

15. Sections 41, 42, 45, 46 and 48 to 51 of the said Act are repealed and the following substituted therefor:

ss. 41, 42, 45, 46 and 48 to 51, re-enacted

41. Where an action or proceeding is brought or taken against a person,

Service of documents

(*a*) who is a patient or out-patient; and

(*b*) for whose estate a committee has not been appointed by a court,

and the action or proceeding is in connection with the estate of the person, the writ or other document by which

the action or proceeding is commenced and any other document requiring personal service,

(*c*) shall be endorsed with the name of the psychiatric facility in or of which the person is a patient or out-patient;

(*d*) shall be served,

(i) on the Public Trustee, and

(ii) on the person, or, where the attending physician is of the opinion that personal service on the person would cause or would be likely to cause serious harm to him by reason of his mental condition, on the officer in charge.

Rights and powers of Public Trustee as committee

42. The Public Trustee as committee of a patient or out-patient has and may exercise all the rights and powers with regard to the estate of the patient or out-patient that the patient or out-patient would have if of full age and of sound and disposing mind.

. . . . .

Recitals in documents

45. A recital in a lease, mortgage or conveyance that a person is a patient in or an out-patient of a psychiatric facility and that the Public Trustee is his committee is admissible in evidence as *prima facie* proof of the facts recited.

Purposes for which powers of Public Trustee may be exercised

46. The powers conferred upon the Public Trustee as committee of the estate of a patient or out-patient may be exercised,

(*a*) until the committeeship is terminated notwithstanding that the patient or out-patient has been discharged from the psychiatric facility;

(*b*) to carry out and complete any transaction entered into by the patient or out-patient before he became a patient or out-patient in a psychiatric facility;

(*c*) to carry out and complete any transaction entered into by the committee notwithstanding that the committeeship has been terminated or that the patient or out-patient has died after the transaction was commenced.

. . . . .

48. Where the Public Trustee is committee of the estate of a patient or out-patient, every gift, grant, alienation, conveyance or transfer that is not made for full and valuable consideration actually paid or secured or that is made at or after the time when the purchaser of transferee had notice of the mental condition of the patient or out-patient, of the fact that he was a patient or out-patient or of the committeeship shall be deemed to be fraudulent and void as against the Public Trustee. When gifts, etc., deemed fraudulent

49. Upon the death of a patient or out-patient of whose estate the Public Trustee is committee and until letters probate of the will or letters of administration of the estate of the patient or out-patient are granted to a person other than the Public Trustee and notice thereof is given to the Public Trustee, the Public Trustee may continue to manage the estate and exercise with respect thereto the powers that an executor would have if the property were devised or bequeathed to him in trust for payment of debts and distribution of the residue. Death of patient or out-patient

50. The Public Trustee is liable to render an account as to the manner in which he has managed the property of a patient or an out-patient in the same way and subject to the same responsibility as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, and is entitled from time to time to bring in and pass his accounts and tax costs in like manner as a trustee but is personally liable only for wilful misconduct. Passing of accounts

51. The Public Trustee may be allowed compensation for services rendered as committee of the estate of a patient or out-patient in an amount not exceeding the amount that a trustee would be allowed for like services, but in cases of poverty or hardship the Public Trustee may forego any claim for compensation. Compensation of Public Trustee

16. Subsection 2 of section 52 of the said Act is repealed and the following substituted therefor: s. 52 (2), re-enacted

(2) Where the Supreme Court is satisfied, on application by the Public Trustee with notice to the person, that a person who was discharged as a patient or out-patient subject to a notice of continuance will continue to be incompetent to manage his estate after the expiry of the notice of continuance, the court by order may extend the committeeship of the Public Trustee for such period of time, or may make such other order, as the court considers proper. Application for continuance of committeeship

Further orders

(3) Where the Public Trustee continues to manage an estate under subsection 1 or 2, the Supreme Court, upon application, may make such further order as it considers just and, in its discretion, may order that the management of the estate by the Public Trustee be relinquished.

ss. 53-55, re-enacted

17. Sections 53 to 55 of the said Act are repealed and the following substituted therefor:

Payments out of patient's or out-patient's moneys

53. The Public Trustee, out of the moneys in his hands belonging to a person who is a patient or out-patient of whose estate the Public Trustee is committee, shall pay the proper charges for maintenance of the person as a patient in or an out-patient of the psychiatric facility and the Public Trustee may also pay such sums as he considers advisable to the patient's or out-patient's family or other persons dependent upon him, and the payments for the maintenance of the family and other dependants may be made notwithstanding that such payments may prevent the payment of maintenance that otherwise would be due from the patient or out-patient.

Payments out of moneys in court

54. Moneys in court to the credit of a patient or out-patient of whose estate the Public Trustee is committee shall be paid out to the Public Trustee upon his written application, and it is not necessary to obtain an order of a court or a judge for such purpose.

What Public Trustee not required to do

55. Nothing in this Act makes it the duty of the Public Trustee to institute proceedings on behalf of a patient or out-patient of whose estate the Public Trustee is committee or to intervene in respect of the estate or any part thereof or to take charge of any property of the patient or out-patient.

s. 56 (1), re-enacted

18. Subsection 1 of section 56 of the said Act is repealed and the following substituted therefor:

Patients or out-patients in another province with estate in Ontario

(1) Where a person who is suffering from a mental disorder is a patient in or an out-patient of a psychiatric facility in another province or territory of Canada and has estate situate in Ontario, the Lieutenant Governor in Council may appoint the official of the other province or territory who is charged with the duty of managing the estate of the person in the other province or territory to be committee of the estate in Ontario.

s. 60, re-enacted

19. Section 60 of the said Act is repealed and the following substituted therefor:

60. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than $10,000. Offence

20. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

21. The short title of this Act is *The Mental Health Amendment Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Mental Health Act

1st Reading

March 2nd, 1978

2nd Reading

April 13th, 1978

3rd Reading

June 23rd, 1978

THE HON. D. R. TIMBRELL
Minister of Health

BILL 20

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Public Vehicles Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 20 **1978**

An Act to amend The Public Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Vehicles Act*, being chapter 392 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ss. 26, 27, enacted

26.—(1) The Lieutenant Governor in Council may by order from time to time issue policy statements setting out matters to be considered by the Board when determining questions of public necessity and convenience and the Board shall take such matters into consideration together with such other matters as the Board considers appropriate where the application or reference is made after the policy statement is gazetted. Policy statements

(2) An order made under subsection 1 shall be published in *The Ontario Gazette*. Publication

27.—(1) The Minister may direct the Board to examine and investigate such matters relating to transportation policy as are referred to it by the Minister and the Board shall report thereon to the Minister. Investigation directed by Minister

(2) For the purposes of subsection 1, the Board may hold such hearings as it considers necessary. Hearings by Board

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Public Vehicles Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 26 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Public Vehicles Act

1st Reading

March 2nd, 1978

2nd Reading

May 16th, 1978

3rd Reading

May 16th, 1978

THE HON. J. W. SNOW
Minister of Transportation
and Communications

BILL 22 1 and. in Leg. Leg. Ass. Ont

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 22 **1978**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 45, section 7 and 1974, chapter 66, section 7, is further amended by adding thereto the following subsection: s. 12, amended

(1*a*) Upon the owner of a motor vehicle becoming a resident of Ontario, he is exempt from the provisions of sections 6 and 8 for the thirty days immediately following provided he has complied with the provisions of the law of the jurisdiction in which he resided immediately prior to taking up residence in Ontario as to the registration of the motor vehicle and the displays of the registration number thereon, and continues to display the registration number in accordance with that law. Exemption from ss. 6, 8 for thirty days

2. Section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4 and amended by 1974, chapter 123, section 3 and 1977, chapter 54, section 1, is further amended by adding thereto the following subsection: s. 13, amended

(4*a*) The Minister may require as a condition for issuing a driver's licence that the applicant therefor submit to being photographed by equipment provided by the Ministry. Applicant for driver's licence may be photographed

3. The said Act is amended by adding thereto the following section: s. 33*a*, enacted

33*a*. The Lieutenant Governor in Council may make regulations in respect of drivers' licences issued to probationary drivers, Probationary drivers

(*a*) defining probationary drivers;

(*b*) prescribing the period or periods during which a holder of a driver's licence shall be classed as a probationary driver;

(*c*) prescribing the circumstances under which the driver's licence of a probationary driver shall be cancelled or suspended and the length of such suspension or suspensions;

(*d*) prescribing circumstances under which a probationary driver may be required to attend before an official of the Ministry for an interview and such examination as may be required;

(*e*) prescribing circumstances under which a probationary driver may be required to produce evidence with regard to successful completion of a driver improvement course approved by the Minister.

s. 35 (1), re-enacted

4.—(1) Subsection 1 of section 35 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 13, is repealed and the following substituted therefor:

Licence respecting dealing in motor vehicles

(1) No person shall deal in motor vehicles, operate a used car lot or engage in the business of wrecking or dismantling of vehicles without having been licensed so to do by the Ministry in respect of each separate premises used by him for the purpose of such business.

s. 35 (3), re-enacted

(2) Subsection 3 of the said section 35, as amended by the Statutes of Ontario, 1973, chapter 45, section 13, is repealed and the following substituted therefor:

Penalty

(3) Every person who deals in motor vehicles or operates a used car lot or engages in the wrecking or dismantling of vehicles without a licence, is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $500.

s. 35 (4), re-enacted

(3) Subsection 4 of the said section 35, as amended by the Statutes of Ontario, 1973, chapter 45, section 13, is repealed and the following substituted therefor:

Right of entry and inspection

(4) Any constable or any officer appointed for carrying out the provisions of this Part may enter into any place where motor vehicles or bicycles are stored or dealt in, or into any garage, repair shop, used car lot or premises used for the wrecking or dismantling of vehicles, and make such investigation and inspection as he thinks proper for the purposes of this Part.

(4) Subsection 6 of the said section 35, as amended by the Statutes of Ontario, 1973, chapter 45, section 13, is repealed and the following substituted therefor: s. 35 (6), re-enacted

(6) The Minister may suspend or cancel the licence issued for dealing in motor vehicles, operating a used car lot, or for wrecking or dismantling vehicles, for misconduct or for non-compliance with or infraction of any of the provisions of this Act or of the regulations by the holder of such licence or by any of his employees or for any other reason appearing to him to be sufficient. Suspension or cancellation of licence by Minister

(5) Subsection 7 of the said section 35, as amended by the Statutes of Ontario, 1973, chapter 45, section 13, is repealed and the following substituted therefor: s. 35 (7), re-enacted

(7) The Lieutenant Governor in Council may make regulations controlling and governing the business of dealing in motor vehicles, operating a garage, repair shop or used car lot, or the wrecking or dismantling of vehicles. Regulations

5. Subsection 12 of section 37 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 14, is repealed and the following substituted therefor: s. 37 (12), re-enacted

(12) In addition to the lighting requirements in this Part, an ambulance, fire department vehicle, police department vehicle, Ministry vehicle operated by an officer appointed to carry out the provisions of this Act, *The Public Vehicles Act* or *The Public Commercial Vehicles Act*, public utility emergency vehicle, school bus or a vehicle while operated by a conservation officer, fishery officer, provincial park officer or mine rescue training officer in the course of his employment, may carry a lamp or lamps that cast a red light only or such other colour of light that may, with the approval of the Ministry, be designated by a by-law of the municipality in which the vehicle is operated, but no other motor vehicle shall carry any lamp that casts a red light to the front. Red light in front R.S.O. 1970, cc. 392, 375

6.—(1) Subsection 1 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 1, is amended by inserting after "vehicle" in the first line "including load or contents". s. 65 (1), amended

(2) Subsection 1 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, is amended by inserting after "vehicle" in the first line "including load or contents". s. 65 (1), amended

Commencement

7.—(1) This Act, except section 3 and subsection 2 of section 6, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 3 comes into force on the 1st day of January, 1979.

Idem

(3) Subsection 2 of section 6 comes into force on the 1st day of April, 1978.

Short title

8. The short title of this Act is *The Highway Traffic Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR May 26 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Highway Traffic Act

1st Reading

March 6th, 1978

2nd Reading

May 16th, 1978

3rd Reading

May 16th, 1978

THE HON. J. W. SNOW
Minister of Transportation and
Communications

BILL 23

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 23 **1978**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 15*b* of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 45, section 1, is amended, s. 1 (1), par. 15*b*, amended

(*a*) by striking out "102 inches" in the third line and inserting in lieu thereof "2.6 metres"; and

(*b*) by striking out "35 feet" in the fourth line and inserting in lieu thereof "eleven metres".

(2) Subparagraph ii of paragraph 15*c* of subsection 1 of the said section 1, as re-enacted by the Statutes of Ontario, 1975, chapter 78, section 1, is amended by striking out "120 pounds" and inserting in lieu thereof "fifty-five kilograms". s. 1 (1), par. 15*c*, subpar. ii, amended

2. Subsection 3 of section 7 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 66, section 3, is further amended by striking out "6,000 pounds" in the second line and inserting in lieu thereof "2,750 kilograms". s. 7 (3), amended

3.—(1) Subsection 2 of section 36 of the said Act is amended by striking out "6,000 pounds" in the third line and inserting in lieu thereof "2,750 kilograms". s. 36 (2), amended

(2) Subsection 3 of the said section 36 is amended by striking out "6,000 pounds" in the fourth line and inserting in lieu thereof "2,750 kilograms". s. 36 (3), amended

4.—(1) Subsection 1 of section 37 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 37, section 5, is amended by striking out "500 feet" in the fifth line and inserting in lieu thereof "150 metres". s. 37 (1), amended

s. 37 (1*c*), amended

(2) Subsection 1*c* of the said section 37, as enacted by the Statutes of Ontario, 1976, chapter 37, section 5, is amended by striking out "500 feet" in the third line and inserting in lieu thereof "150 metres".

s. 37 (1*d*), amended

(3) Subsection 1*d* of the said section 37, as enacted by the Statutes of Ontario, 1976, chapter 37, section 5, is amended by striking out "500 feet" in the ninth line and inserting in lieu thereof "150 metres".

s. 37 (2), amended

(4) Subsection 2 of the said section 37 is amended,

(*a*) in subclause i of clause *a*, by striking out "500 feet" in the fourth line and inserting in lieu thereof "150 metres";

(*b*) in subclause ii of clause *a*, by striking out "16 square inches" in the sixth and seventh lines and inserting in lieu thereof "100 square centimetres"; and

(*c*) in clause *b*, by striking out "16 square inches" in the fifth and sixth lines and inserting in lieu thereof "100 square centimetres".

s. 37 (3), amended

(5) Subsection 3 of the said section 37, as amended by the Statutes of Ontario, 1977, chapter 54, section 6, is further amended by striking out "350 feet" in the sixth line and inserting in lieu thereof "110 metres".

s. 37 (4), amended

(6) Subsection 4 of the said section 37, as amended by the Statutes of Ontario, 1976, chapter 37, section 5, is further amended,

(*a*) by striking out "30 miles" in the fourth line and inserting in lieu thereof "50 kilometres"; and

(*b*) by striking out "200 feet" in the sixth line and inserting in lieu thereof "sixty metres".

s. 37 (5), amended

(7) Subsection 5 of the said section 37 is amended by striking out "300 candle-power" in the third line and inserting in lieu thereof "300 candela".

s. 37 (6), amended

(8) Subsection 6 of the said section 37, as amended by the Statutes of Ontario, 1976, chapter 37, section 5, is further amended,

(*a*) by striking out "500 feet" in the fifth line and inserting in lieu thereof "150 metres";

(*b*) by striking out "80 inches" in the seventh line and inserting in lieu thereof "2.05 metres";

(*c*) by striking out "80 inches" in the fifteenth line and inserting in lieu thereof "2.05 metres"; and

(*d*) by striking out "6 inches" in the twenty-fourth line and inserting in lieu thereof "160 millimetres".

(9) Subsection 7 of the said section 37 is amended by striking out "80 inches" in the third and fourth lines and inserting in lieu thereof "2.05 metres". s. 37 (7), amended

(10) Subsection 9 of the said section 37 is amended, s. 37 (9), amended

(*a*) by striking out "500 feet" in the fifth line and inserting in lieu thereof "150 metres";

(*b*) by striking out "30 feet" in the seventh line and inserting in lieu thereof "9.2 metres";

(*c*) by striking out "80 inches" in the eighth line and inserting in lieu thereof "2.05 metres";

(*d*) by striking out "six nor more than twelve inches" in the twelfth and thirteenth lines and inserting in lieu thereof "150 millimetres nor more than 310 millimetres"; and

(*e*) by striking out "500 feet" in the sixteenth line and inserting in lieu thereof "150 metres".

(11) Subsection 11 of the said section 37 is amended, s. 37 (11), amended

(*a*) by striking out "500 feet" in the fifth line, the thirteenth line and the nineteenth line and inserting in lieu thereof in each instance "150 metres"; and

(*b*) by striking out "20 feet" in the seventh line and inserting in lieu thereof "6.1 metres".

(12) Subsection 13 of the said section 37 is amended by striking out "4 inches" in the third line and inserting in lieu thereof "102 millimetres". s. 37 (13), amended

(13) Subsection 14 of the said section 37, as amended by the Statutes of Ontario, 1974, chapter 123, section 11, is further amended, s. 37 (14), amended

(*a*) by striking out "500 feet" in the fifth line and inserting in lieu thereof "150 metres";

(*b*) by striking out "ten inches" in the eleventh line and inserting in lieu thereof "250 millimetres"; and

(*c*) by striking out "one inch" in the eleventh line and inserting in lieu thereof "25 millimetres".

s. 37 (16), amended

(14) Subsection 16 of the said section 37 is amended,

(*a*) by striking out "candle-power" in the second line and inserting in lieu thereof "candela"; and

(*b*) by striking out "500 feet" in the sixth line and inserting in lieu thereof "150 metres".

s. 37 (17), amended

(15) Subsection 17 of the said section 37 is amended by striking out "200 feet" in the sixth line and inserting in lieu thereof "sixty metres".

s. 37 (19), amended

(16) Subsection 19 of the said section 37 is amended by striking out "100 feet" in the sixth line and inserting in lieu thereof "thirty metres".

s. 37 (20), amended

(17) Subsection 20 of the said section 37 is amended by striking out "500 feet" in the fifth line and inserting in lieu thereof "150 metres".

s. 37 (21), amended

(18) Subsection 21 of the said section 37 is amended by striking out "500 feet" in the fifth line and inserting in lieu thereof "150 metres".

s. 37 (22), amended

(19) Subsection 22 of the said section 37 is amended,

(*a*) by striking out "500 feet" in the fifth line and in the twelfth line and inserting in lieu thereof in each instance "150 metres"; and

(*b*) by striking out "96 inches" in the seventh line and inserting in lieu thereof "2.6 metres".

s. 37 (23), amended

(20) Subsection 23 of the said section 37, as amended by the Statutes of Ontario, 1974, chapter 123, section 11, is further amended by striking out "500 feet" in the seventh line and in the twelfth and thirteenth lines and inserting in lieu thereof in each instance "150 metres".

s. 37 (24), amended

(21) Subsection 24 of the said section 37 is amended by striking out "500 feet" in the seventh line and inserting in lieu thereof "150 metres".

s. 37 (28), amended

(22) Subsection 28 of the said section 37 is amended,

(*a*) by striking out "80 inches" in the second line and inserting in lieu thereof "2.05 metres"; and

(*b*) by striking out "20 feet" in the third line and inserting in lieu thereof "6.1 metres".

(23) Subsection 30 of the said section 37 is amended by striking out "500 feet" in the fifth line and inserting in lieu thereof "150 metres". s. 37 (30), amended

5. Section 38 of the said Act is amended by striking out "two inches" in the fifth line and inserting in lieu thereof "50 millimetres". s. 38, amended

6. Subsection 3 of section 39 of the said Act is amended by striking out "3,000 pounds" in the first and second lines and inserting in lieu thereof "1,360 kilograms". s. 39 (3), amended

7. Section 41*a* of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 54, section 7, is amended by striking out "twelve inches" in the fourth line and inserting in lieu thereof "305 millimetres". s. 41 *a*, amended

8. Subsection 1 of section 43 of the said Act is amended, s. 43 (1), amended

(*a*) by striking out "two tons" in the second line and inserting in lieu thereof "1,820 kilograms"; and

(*b*) by striking out "one and one-quarter inches" in the eighth and ninth lines and inserting in lieu thereof "31.5 millimetres".

9.—(1) Subsection 2 of section 45 of the said Act is amended by striking out "one-half inch" in the third line and inserting in lieu thereof "six millimetres". s. 45 (2), amended

(2) Subsection 3 of the said section 45 is amended by striking out "one-half inch" in the fourth line and inserting in lieu thereof "six millimetres". s. 45 (3), amended

10.—(1) Subsection 2 of section 61 of the said Act is amended by striking out "six inches" in the second line and inserting in lieu thereof "160 millimetres". s. 61 (2), amended

(2) Clause *a* of subsection 3 of the said section 61 is amended by striking out "500 feet" in the fourth line and inserting in lieu thereof "150 metres". s. 61 (3) (*a*), amended

11.—(1) Subsection 1 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, is amended, s. 65 (1), amended

(*a*) by striking out "102-23/64 inches" in the second line and inserting in lieu thereof "2.6 metres"; and

(*b*) by striking out "110-15/64 inches" in the fourth line and inserting in lieu thereof "2.8 metres".

s. 65 (2), amended

(2) Subsection 2 of the said section 65, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, is amended,

(*a*) by striking out "102-23/64 inches" in the second line and in the fifth line and inserting in lieu thereof in each instance "2.6 metres"; and

(*b*) by striking out "110-15/64 inches" in the sixth and seventh lines and inserting in lieu thereof "2.8 metres".

s. 65 (4), amended

(3) Subsection 4 of the said section 65, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 1, is amended by striking out "four inches" in the sixth line and inserting in lieu thereof "102 millimetres".

s. 65 (5), amended

(4) Subsection 5 of the said section 65, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, is amended,

(*a*) by striking out "36 feet 1-1/16 inches" in the third line and inserting in lieu thereof "eleven metres"; and

(*b*) by striking out "68 feet 10-49/64 inches" in the fifth and sixth lines and inserting in lieu thereof "twenty-one metres".

s. 65 (6), amended

(5) Subsection 6 of the said section 65, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, is amended by striking out "45 feet 11-11/64 inches" in the third line and inserting in lieu thereof "fourteen metres".

s. 65 (7), amended

(6) Subsection 7 of the said section 65, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, is amended by striking out "41 feet ⅛ inch" in the first line and inserting in lieu thereof "12.5 metres".

s. 65 (8), amended

(7) Subsection 8 of the said section 65, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 1, is amended by striking out "50 feet" in the third line and inserting in lieu thereof "15.25 metres".

(8) Subsection 9 of the said section 65, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, is amended by striking out "13 feet 7⅜ inches" in the second line and inserting in lieu thereof "4.15 metres". s. 65 (9), amended

12. Subsection 1 of section 67 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 1, is amended by striking out "4 feet 10 inches" in the second line and inserting in lieu thereof "1.5 metres". s. 67 (1), amended

13. Subsection 1 of section 70 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended, s. 70 (1), amended

(*a*) in clause *b*, by striking out "pounds" in the second line and inserting in lieu thereof "kilograms";

(*b*) in clause *d*, by striking out "pounds" in the second line and inserting in lieu thereof "kilograms";

(*c*) in clause *g*, by striking out "39.5 inches" in the second line and inserting in lieu thereof "one metre";

(*d*) in clause *h*, by striking out "98.5 inches" in the sixth line and inserting in lieu thereof "2.5 metres";

(*e*) in clause *j*, by striking out "pounds" in the second line and inserting in lieu thereof "kilograms";

(*f*) in clause *m*, by striking out "39.5 inches" in the third line and inserting in lieu thereof "one metre";

(*g*) in clause *n*, by striking out "500 gallons" in the fourth line and inserting in lieu thereof "2.3 kilolitres";

(*h*) in clause *o*, by striking out "98.5 inches" in the eighth line and inserting in lieu thereof "2.5 metres";

(*i*) in clause *p*, by striking out "39.5 inches" in the sixth line and inserting in lieu thereof "one metre"; and

(*j*) in clause *q*, by striking out "78.5 inches in the sixth line and inserting in lieu thereof "two metres".

14. Subsection 1 of section 71 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended, s. 71 (1), amended

(*a*) by striking out "5.9 inches" in the second line and inserting in lieu thereof "150 millimetres";

(*b*) by striking out "inch" in the third line and inserting in lieu thereof "millimetre";

(*c*) by striking out "504 pounds" in the fourth line and inserting in lieu thereof "nine kilograms";

(*d*) by striking out "5.9 inches" in the fifth line and inserting in lieu thereof "150 millimetres";

(*e*) by striking out "inch" in the sixth line and inserting in lieu thereof "millimetre"; and

(*f*) by striking out "616 pounds" in the seventh line and inserting in lieu thereof "eleven kilograms".

s. 72 (1), amended

15.—(1) Subsection 1 of section 72 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended,

(*a*) by striking out "19,800 pounds" in the sixth line and inserting in lieu thereof "9,000 kilograms"; and

(*b*) by striking out "22,000 pounds" in the seventh line and inserting in lieu thereof "10,000 kilograms".

s. 72 (2), amended

(2) Subsection 2 of the said section 72 is amended by striking out "39,600 pounds" in the second and third lines and inserting in lieu thereof "18,000 kilograms".

s. 72 (3), amended

(3) Subsection 3 of the said section 72 is amended by striking out "59,400 pounds" in the second and third lines and inserting in lieu thereof "27,000 kilograms".

s. 72 (4), amended

(4) Subsection 4 of the said section 72 is amended by striking out "11,000 pounds" in the third line and inserting in lieu thereof "5,000 kilograms".

s. 74 (2), amended

16.—(1) Subsection 2 of section 74 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended,

(*a*) by striking out "1,000 pounds" in the fourth and fifth lines and inserting in lieu thereof "454 kilograms"; and

(*b*) by striking out "140,000 pounds" in the eleventh line and inserting in lieu thereof "63,500 kilograms".

(2) Subsection 7 of the said section 74 is amended by striking out "1,000 pounds" in the fourth and fifth lines and inserting in lieu thereof "454 kilograms". s. 74 (7), amended

17. Section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended, s. 76, amended

(*a*) by striking out "18,000 pounds" in the third line and inserting in lieu thereof "8,200 kilograms";

(*b*) by striking out "7 feet 10 inches" in the fourth line and inserting in lieu thereof "2.4 metres"; and

(*c*) by striking out "12,100 pounds" in the fifth line and inserting in lieu thereof "5,500 kilograms".

18.—(1) Subsection 3 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by striking out "15,400 pounds" in the seventh line and inserting in lieu thereof "7,000 kilograms". s. 77 (3), amended

(2) Subsection 5 of the said section 77 is amended by striking out "11,000 pounds" in the tenth line and inserting in lieu thereof "5,000 kilograms". s. 77 (5), amended

(3) Subsection 6 of the said section 77 is amended by striking out "16,500 pounds" in the tenth line and inserting in lieu thereof "7,500 kilograms". s. 77 (6), amended

(4) Subsection 7 of the said section 77 is amended, s. 77 (7), amended

(*a*) by striking out "2,200 pounds" in the third line and inserting in lieu thereof "1,000 kilograms";

(*b*) by striking out "inch" in the eighth line and inserting in lieu thereof "millimetre"; and

(*c*) by striking out "280 pounds" in the eighth and ninth lines and inserting in lieu thereof "five kilograms".

19. Section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended, s. 79, amended

(*a*) in clause *a*,

(i) by striking out "$0.91 per hundredweight" in the first line and inserting in lieu thereof "$2 per 100 kilograms", and

(ii) by striking out "11,000 pounds" in the fourth line and inserting in lieu thereof "5,000 kilograms";

(*b*) in clause *b*,

(i) by striking out "$1.82 per hundredweight" in the first line and inserting in lieu thereof "$4 per 100 kilograms",

(ii) by striking out "11,000 pounds" in the third and fourth lines and inserting in lieu thereof "5,000 kilograms", and

(iii) by striking out "16,500 pounds" in the fourth line and inserting in lieu thereof "7,500 kilograms";

(*c*) in clause *c*,

(i) by striking out "$2.73 per hundredweight" in the first line and inserting in lieu thereof "$6 per 100 kilograms",

(ii) by striking out "16,500 pounds" in the third and fourth lines and inserting in lieu thereof "7,500 kilograms", and

(iii) by striking out "22,000 pounds" in the fourth line and inserting in lieu thereof "10,000 kilograms";

(*d*) in clause *d*,

(i) by striking out "$3.64 per hundredweight" in the first line and inserting in lieu thereof "$8 per 100 kilograms",

(ii) by striking out "22,000 pounds" in the third and fourth lines and inserting in lieu thereof "10,000 kilograms", and

(iii) by striking out "33,000 pounds" in the fourth line and inserting in lieu thereof "15,000 kilograms"; and

(*e*) in clause *e*,

(i) by striking out "$4.55 per hundredweight" in the first line and inserting in lieu thereof "$10 per 100 kilograms", and

(ii) by striking out "33,000 pounds" in the third and fourth lines and inserting in lieu thereof "15,000 kilograms".

20. Tables 1 and 2 to Part VII of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, and Tables 3, 4 and 5 to the said Part VII, as enacted by the said section 3, are repealed and the following substituted therefor: Part VII, Tables 1-5, re-enacted

TABLE 1

MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

Column One	Column Two
Axle Spacing (Metres)	Maximum Allowable Weight (Kilograms)
1.0 to less than 1.2	15,400
1.2 to less than 1.3	16,800
1.3 to less than 1.4	17,200
1.4 to less than 1.5	17,500
1.5 to less than 1.6	17,900
1.6 to less than 1.7	18,300
1.7 to less than 1.8	18,700
1.8 or more	19,100

TABLE 2

MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE AXLE

Column One	Column Two
Axle Spacing (Metres)	Maximum Allowable Weight (Kilograms)
2.0 to less than 2.4	19,500
2.4 to less than 2.8	21,300
2.8 to less than 2.9	21,700
2.9 to less than 3.0	22,000
3.0 to less than 3.1	22,400
3.1 to less than 3.2	22,700
3.2 to less than 3.3	23,100
3.3 to less than 3.4	23,400
3.4 to less than 3.5	23,800
3.5 to less than 3.6	24,100
3.6 to less than 3.7	24,400
3.7 to less than 3.8	24,800
3.8 to less than 3.9	25,100
3.9 to less than 4.0	25,500
4.0 to less than 4.1	25,800
4.1 to less than 4.2	26,200
4.2 to less than 4.3	26,500
4.3 to less than 4.4	26,900
4.4 to less than 4.5	27,200
4.5 to less than 4.6	27,600
4.6 to less than 4.7	27,900
4.7 to less than 4.8	28,300
4.8 or more	28,600

TABLE 3

MAXIMUM ALLOWABLE WEIGHT FOR TWO AXLE GROUP

Column One	Column Two
Axle Group Spacing (Metres)	Maximum Allowable Weight (Kilograms)
1.0 to less than 1.2	15,000
1.2 to less than 1.3	16,300
1.3 to less than 1.4	16,700
1.4 to less than 1.5	17,000
1.5 to less than 1.6	17,400
1.6 to less than 1.7	17,800
1.7 to less than 1.8	18,200
1.8 to less than 1.9	18,600
1.9 to less than 2.0	19,100

TABLE 4

MAXIMUM ALLOWABLE WEIGHT FOR THREE AXLE GROUP

Column One	Column Two
Axle Group Spacing (Metres)	Maximum Allowable Weight (Kilograms)
2.0 to less than 2.4	19,000
2.4 to less than 2.6	20,400
2.6 to less than 2.8	21,000
2.8 to less than 2.9	21,400
2.9 to less than 3.0	21,700
3.0 to less than 3.1	22,000
3.1 to less than 3.2	22,400
3.2 to less than 3.3	22,700
3.3 to less than 3.4	23,000
3.4 to less than 3.5	23,400
3.5 to less than 3.6	23,700
3.6 to less than 3.7	24,000
3.7 to less than 3.8	24,400
3.8 to less than 3.9	24,700
3.9 to less than 4.0	25,000
4.0 to less than 4.1	25,400
4.1 to less than 4.2	25,700
4.2 to less than 4.3	26,000
4.3 to less than 4.4	26,400
4.4 to less than 4.5	26,700
4.5 to less than 4.6	27,000
4.6 to less than 4.7	27,400
4.7 to less than 4.8	27,700
4.8 to less than 4.9	28,000
4.9 to less than 5.0	28,300
5.0 or more	28,600

TABLE 5

MAXIMUM ALLOWABLE WEIGHT FOR FOUR AXLE GROUP

Column One	Column Two
Axle Group Spacing (Metres)	Maximum Allowable Weight (Kilograms)
Less than 3.6	23,500
3.6 to less than 3.7	23,900
3.7 to less than 3.8	24,200
3.8 to less than 3.9	24,600
3.9 to less than 4.0	24,900
4.0 to less than 4.1	25,300
4.1 to less than 4.2	25,700
4.2 to less than 4.3	26,000
4.3 to less than 4.4	26,400
4.4 to less than 4.5	26,700
4.5 to less than 4.6	27,100
4.6 to less than 4.7	27,500
4.7 to less than 4.8	27,800
4.8 to less than 4.9	28,200
4.9 to less than 5.0	28,500
5.0 to less than 5.1	28,900
5.1 to less than 5.2	29,300
5.2 to less than 5.3	29,600
5.3 to less than 5.4	30,000
5.4 to less than 5.5	30,300
5.5 to less than 5.6	30,700
5.6 to less than 5.7	31,100
5.7 to less than 5.8	31,400
5.8 to less than 5.9	31,800
5.9 to less than 6.0	32,100
6.0 to less than 6.1	32,500
6.1 to less than 6.2	32,900
6.2 to less than 6.3	33,200
6.3 to less than 6.4	33,600
6.4 to less than 6.5	33,900
6.5 to less than 6.6	34,300
6.6 to less than 6.7	34,700
6.7 to less than 6.8	35,000
6.8 to less than 6.9	35,400
6.9 to less than 7.0	35,700
7.0 to less than 7.1	36,100
7.1 to less than 7.2	36,500
7.2 to less than 7.3	36,800
7.3 to less than 7.4	37,200
7.4 to less than 7.5	37,600
7.5 or more	38,000

Commencement

21. This Act comes into force on the 1st day of April, 1978.

Short title

22. The short title of this Act is *The Highway Traffic Amendment Act, 1978.*

ASSENTED TO BY ADMINISTRATOR OF PROVINCE March 30 1978

ASSEMBLY PROROGUED _____ 19__

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Highway Traffic Act

1st Reading

March 6th, 1978

2nd Reading

March 28th, 1978

3rd Reading

March 28th, 1978

THE HON. J. W. SNOW
Minister of Transportation and
Communications

BILL 24

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 24 **1978**

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate $1,100,000,000. Loans up to $1,100,000,000 R.S.O. 1970, c. 166

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Ontario Loan Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 . 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

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1st Reading

March 7th, 1978

2nd Reading

April 25th, 1978

3rd Reading

April 25th, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

1978

BILL 25

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Tobacco Tax Act

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 25 **1978**

An Act to amend The Tobacco Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Tobacco Tax Act*, being chapter 463 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1977, chapter 11, section 1, is repealed and the following substituted therefor: s. 2 (1), re-enacted

(1) Every consumer shall pay to Her Majesty in right of Ontario a tax computed as follows: Tax on consumer

(*a*) one and one-tenth cents on every cigarette purchased by him;

(*b*) four-tenths of 1 cent on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by him;

(*c*) 2 cents on every cigar purchased by him for a price at retail of not more than 7 cents;

(*d*) 5 cents on every cigar purchased by him for a price at retail of more than 7 cents but not more than 10 cents;

(*e*) 7 cents on every cigar purchased by him for a price at retail of more than 10 cents but not more than 15 cents, and thereafter, an additional 2 cents for each additional 5 cents or part thereof that the price at retail of a cigar purchased by him exceeds 15 cents and does not exceed 90 cents; and

(*f*) 39 cents on every cigar purchased by him for a price at retail of more than 90 cents.

s. 8 (3) (*a*), re-enacted

2. Clause *a* of subsection 3 of section 8 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 11, section 3, is repealed and the following substituted therefor:

(*a*) $1,000; or

. . . . .

s. 9 (1) (*d*), amended

3. Clause *d* of subsection 1 of section 9 of the said Act is amended by striking out "an audit of" in the first line and inserting in lieu thereof "an audit or".

Commencement

4.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 8th day of March, 1978.

Idem

(3) Section 2 comes into force on the 1st day of April, 1978.

Short title

5. The short title of this Act is *The Tobacco Tax Amendment Act, 1978*.

ASSENTED TO BY ADMINISTRATOR OF PROVINCE March 30

ASSEMBLY PROROGUED

Robert G. Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Tobacco Tax Act

1st Reading

March 7th, 1978

2nd Reading

March 28th, 1978

3rd Reading

March 28th, 1978

THE HON. L. MAECK
Minister of Revenue

1978

BILL 26 1st rd. in Leg. Leg. Ass. [illegible]

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Income Tax Act

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 26 1978

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of subsection 3 of section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1977, chapter 6, section 1, is repealed and the following substituted therefor: s. 3 (3) (*i*), re-enacted

(*i*) 44 per cent in respect of the 1977 and 1978 taxation years.

2.—(1) Subsection 3 of section 6*b* of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 2, is amended by striking out "who is a full-time student at a college, university or school of nursing" in the second and third lines. s. 6*b* (3), amended

(2) Subsection 11 of the said section 6*b*, as enacted by the Statutes of Ontario, 1974, chapter 91, section 2, is amended by striking out all the words after "subsection 5" in the sixteenth line and inserting in lieu thereof "provided that no claim to establish a deduction or an additional deduction under this section may be made after four years from the end of the particular taxation year with respect to which a deduction under subsection 2 could first have been made". s. 6*b* (11), amended

3. Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor: s. 17 (1), re-enacted

(1) Every person who, knowingly or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made or has participated in, assented to or acquiesced in the making of, an incorrect statement or omission (in this section referred to as a "false statement") in a return, certificate, statement or answer (in this section referred to as a "return") Statements or omissions in return

filed or made in respect of a taxation year as required by or under this Act or a regulation, is liable to a penalty of 25 per cent of the amount, if any, by which,

(*a*) the tax for the year that would be payable by him under this Act if his taxable income for the year were computed by adding to the taxable income reported by him in his return for the year that portion of his understatement of income for the year that is reasonably attributable to the false statement,

exceeds,

(*b*) the tax for the year that would have been payable by him under this Act had his tax payable for the year been assessed on the basis of the information provided in his return for the year.

Interpretation

(1*a*) For the purposes of subsection 1, the taxable income reported by a person in his return for a taxation year shall be deemed not to be less than nil and the "understatement of income for a year" of a person has the meaning assigned to that expression in subsection 2.1 of section 163 of the Federal Act.

s. 52 (8) (*b*), amended

4. Clause *b* of subsection 8 of section 52 of the said Act is amended by striking out "section" in the second line and inserting in lieu thereof "subsection".

1977, c. 6, s. 5, re-enacted

5. Section 5 of *The Income Tax Amendment Act, 1977*, being chapter 6, is repealed and the following substituted therefor:

Commencement

5.—(1) This Act, except subsection 3 of section 1, shall be deemed to have come into force on the 1st day of January, 1977.

Idem

(2) Subsection 3 of section 1 shall be deemed to have come into force on the 1st day of January, 1976 and to apply to the 1976 and subsequent taxation years.

Commencement

6.—(1) This Act, except sections 1, 2 and 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 and subsection 1 of section 2 shall be deemed to have come into force on the 1st day of January, 1978.

Idem

(3) Subsection 2 of section 2 and section 5 shall be deemed to have come into force on the 1st day of January, 1977.

Short title

7. The short title of this Act is *The Income Tax Amendment Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 24 - 78

Roderick Lewis

An Act to amend
The Income Tax Act

1st Reading

March 7th, 1978

2nd Reading

April 18th, 1978

3rd Reading

April 18th, 1978

THE HON. L. MAECK
Minister of Revenue

BILL 27

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Retail Sales Tax Act

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 27 1978

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1 of section 1 of *The Retail Sales Tax Act*, being chapter 415 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 23, section 1, is amended by adding at the end thereof "and any entry that is provided to a place of amusement as a promotional distribution". s. 1, par. 1, amended

(2) Paragraph 3 of the said section 1 is amended by adding at the end thereof "and includes the provision by way of promotional distribution of any tangible personal property or taxable service". s. 1, par. 3, amended

(3) Clause *b* of paragraph 4 of the said section 1 is repealed and the following substituted therefor: s. 1, par. 4 (*b*), re-enacted

(*b*) the cost of, or charges for, customs, excise, mailing, handling, delivery or transportation, whether or not such are shown separately in the books of the vendor or on any invoices or in the computation of the sale price.

(4) The said section 1, as amended by the Statutes of Ontario, 1973, chapter 23, section 1, 1975, chapter 9, section 1, 1976, chapter 23, section 1, 1976, chapter 82, section 1 and 1977, chapter 13, section 1, is further amended by adding thereto the following paragraphs: s. 1, amended

8*a*. "promotional distribution" means the provision by any person to others of any tangible personal property, taxable service or admission to a place of amusement (other than any provision thereof that is prescribed by the Minister to be excluded

from the application of this paragraph) that is, in the opinion of the Minister, provided for any one or more of the following purposes:

(*a*) To promote or encourage attendance at, or patronage of, any place of amusement, business, undertaking or enterprise.

(*b*) To describe, or to promote or encourage the purchase, consumption or use of, any goods, wares, services or property of any kind.

(*c*) To furnish to any person any directory, listing or compilation of persons, places, prices, services, commodities, places of business or users of any service.

(*d*) For any function, use or purpose prescribed by the Minister to be a promotional distribution.

8*b*. "promotional distributor" means any person who is a resident of, or carries on business in, Ontario and who, by way of promotional distribution, provides or causes to be provided to any person in Ontario any tangible personal property, taxable service or admission to a place of amusement the full fair value or full price of admission of which is not specifically charged to, and required to be paid by, the person to whom such tangible personal property, taxable service or admission to a place of amusement is provided.

s. 1, par. 9, amended

(5) Paragraph 9 of the said section 1, as re-enacted by the Statutes of Ontario, 1976, chapter 82, section 1, is amended by adding at the end thereof "and includes also a promotional distributor to the extent that the full fair value or full price of admission of any tangible personal property, taxable service or admission to a place of amusement provided by way of promotional distribution exceeds any payment specifically made therefor by the person to whom such property, service or admission is so provided".

s. 1, par. 13, amended

(6) Paragraph 13 of the said section 1, as amended by the Statutes of Ontario, 1975, chapter 9, section 1, 1976, chapter 23, section 1 and 1976, chapter 82, section 1, is further amended by adding thereto the following clause:

(*h*) the provision by way of promotional distribution of any tangible personal property or taxable service,

. . . . .

2.—(1) Paragraph 24*b* of subsection 1 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 13, section 4, is amended by adding thereto the following clause: s. 5 (1), par. 24*b*, amended

(*aa*) storm windows and storm doors, as defined by the Minister.

(2) Paragraph 41 of subsection 1 of the said section 5 is repealed and the following substituted therefor: s. 5 (1), par. 41, re-enacted

41. the occupancy of transient accommodation during the period commencing on the 8th day of March, 1978 and ending with the 31st day of December, 1979, provided that occupancy for any period of twenty-four hours or less that includes any part of the 7th day of March, 1978 is not entitled to the exemption conferred by this paragraph, and occupancy for any period of twenty-four hours or less that includes any part of the 31st day of December, 1979 is entitled to the exemption conferred by this paragraph;

41*a*. prepared meals served during the period commencing on the 8th day of March, 1978 and ending with the 31st day of December, 1979, if such prepared meals are provided together with transient accommodation in the said period for one charge for both meals and accommodation under the system commonly known as "the American plan".

(3) The said section 5, as amended by the Statutes of Ontario, 1972, chapter 21, section 1, 1973, chapter 23, section 4, 1974, chapter 7, section 2, 1975, chapter 9, section 4, 1976, chapter 23, section 3, 1976, chapter 82, section 3 and 1977, chapter 13, section 4, is further amended by adding thereto the following subsection: s. 5, amended

(4) A person in Ontario to whom any tangible personal property, taxable service or admission to a place of amusement is provided by way of promotional distribution is, with respect to his consumption or use thereof or with respect to the price of admission thereof, exempt from the tax imposed by this Act on the amount by which the full Exemption for recipient of promotional distribution

fair value or full price of admission thereof exceeds any payment that is made by him solely and specifically for the receipt by him of the tangible personal property, taxable service or admission to a place of amusement so provided and that is not referable to the purchase, consumption or use by him of any other property, right or service.

Commencement

3.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1, 2, 4, 5 and 6 of section 1 and subsection 3 of section 2 shall be deemed to have come into force on the 1st day of January, 1975.

Idem

(3) Subsection 3 of section 1 and subsections 1 and 2 of section 2 shall be deemed to have come into force on the 8th day of March, 1978.

Short title

4. The short title of this Act is *The Retail Sales Tax Amendment Act, 1978.*

ASSENTED TO BY ADMINISTRATOR OF PROVINCE March 30 19

ASSEMBLY PROROGUED _____ 19

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Retail Sales Tax Act

1st Reading

March 7th, 1978

2nd Reading

March 28th, 1978

3rd Reading

March 28th, 1978

THE HON. L. MAECK
Minister of Revenue

1978

Pauline Hy. Hy. S. Ho

BILL 28

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Corporations Tax Act, 1972

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 28 **1978**

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause iv of clause *d* of subsection 2 of section 1 of *The Corporations Tax Act, 1972*, being chapter 143, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 1, is amended by striking out "section 138" in the third line and inserting in lieu thereof "sections 138 and 248". s. 1 (2) (*d*) (iv), amended

(2) Subsection 6 of the said section 1 is amended by striking out "sections" in the first line and inserting in lieu thereof "provisions". s. 1 (6), amended

2.—(1) Clause *c* of subsection 2 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 2, is repealed and the following substituted therefor: s. 2 (2) (*c*), re-enacted

(*c*) disposed of taxable Canadian property, within the meaning given to that expression by subsection 1 of section 248 of the *Income Tax Act* (Canada) if the reference in that definition to section 2 of that Act were a reference to this section, that was property situated in Ontario as prescribed by regulation; or R.S.C. 1952, c. 148

. . . . .

(2) Clause *c* of subsection 3 of the said section 2, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 2, is repealed and the following substituted therefor: s. 2 (3) (*c*), re-enacted

(*c*) disposed of taxable Canadian property, within the meaning given to that expression by subsection 1 of section 248 of the *Income Tax Act* (Canada) if the

reference in that definition to section 2 of that Act were a reference to this section, that was property situated in Ontario as prescribed by regulation; or

. . . . .

s. 12 (2), re-enacted

3. Subsection 2 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 6, is repealed and the following substituted therefor:

Interpretation

(2) In the application of the said section 3 for the purposes of this Act, the reference in paragraph *c* thereof to "subdivision e" shall be deemed to be a reference to Subdivision D of Division B of Part II of this Act, and the reference in the said section to "this Part" shall be deemed to be a reference to Part II of this Act.

Corporation that becomes subject to this Act

R.S.C. 1952, c. 148

(3) Subject to subsection 4 of section 14, for the purpose of computing the income and taxable income of a corporation for a taxation year any amount deducted or deductible by the corporation under a provision of the *Income Tax Act* (Canada) in computing its income for a previous taxation year in respect of which the corporation was not subject to the tax imposed by Part II of this Act is deemed, unless otherwise provided in the said Part II, to have been deducted or deductible, as the case may be, under the corresponding provision of this Act in computing its income or taxable income, as the case may be, for that previous taxation year.

s. 13, amended

4. Section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 7, is amended by adding thereto the following subsection:

Interpretation

(2) In the application of the said section 4 for the purposes of this Act, the references therein to "this Part" shall be deemed to be references to Part II of this Act.

s. 14 (4) (*a*), amended

5.—(1) Clause *a* of subsection 4 of section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by striking out "subsections 7.1 and 10" in the first line and inserting in lieu thereof "subsection 10".

s. 14 (4) (*b*), re-enacted

(2) Clause *b* of subsection 4 of the said section 14 is repealed and the following substituted therefor:

Application of R.S.C. 1952, c. 148, s. 13 (7.1)

(*b*) the reference in subsection 7.1 of the said section 13 to "section 65" shall be deemed to be a reference to the said section 65 and to section 19 of this Act.

6. Subclause i of clause *c* of subsection 4 of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is repealed. s. 15 (4) (*c*) (i), repealed

7. Subsection 2 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is repealed and the following substituted therefor: s. 18 (2), re-enacted

(2) Subsection 1 does not apply to allow a deduction in computing the income of a corporation for a taxation year if the corporation, at the end of the year or at any time in the immediately following year, Application of subs. 1

(*a*) was exempt from tax under any provision of this Part; or

(*b*) was not resident in Canada and ceased to have a permanent establishment in Canada.

8.—(1) Clause *b* of subsection 1 of section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is repealed and the following substituted therefor: s. 20 (1) (*b*), re-enacted

(*b*) of that aggregate, an amount equal to its income for the taxation year if no deduction were allowed under this subsection or section 19, minus the deductions allowed for the taxation year by sections 112 and 113 of the *Income Tax Act* (Canada) as made applicable by section 29 of this Act. R.S.C. 1952, c. 148

(2) Clause *b* of subsection 2 of the said section 20 is repealed and the following substituted therefor: s. 20 (2) (*b*), re-enacted

(*b*) of that aggregate, the greater of,

(i) such amount as the corporation may claim, not exceeding 20 per cent of the aggregate determined under clause *a*, and

(ii) the aggregate of,

(A) such part of its income for the taxation year as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells in Canada or to the production of minerals from mines in Canada,

(B) its income for the taxation year from royalties in respect of an oil or gas

well in Canada or a mine in Canada, and

(C) the aggregate of amounts each of which is an amount, in respect of a Canadian resource property or a property referred to in subclause ii of clause *a* of subsection 3 of section 16 or clause *c* of subsection 3 of section 16 that has been disposed of by it, equal to the amount, if any, by which,

1. the amount included in computing its income for the taxation year by virtue of subsection 3 of section 16 in respect of the disposition of the property,

exceeds,

2. the amount deducted under section 18 in respect of the property in computing its income for the taxation year,

if no deduction were allowed for the taxation year under this subsection, subsection 3 or section 19.

s. 20 (14) (*b*) (iii), re-enacted

(3) Subclause iii of clause *b* of subsection 14 of the said section 20 is repealed and the following substituted therefor:

R.S.C. 1952, c. 148

(iii) notwithstanding paragraph *m* of subsection 1 of section 18 of the *Income Tax Act* (Canada), as that section applies to this Act by virtue of section 14 of this Act, the cost to the corporation of a Canadian resource property, but for greater certainty not including any payment made to any of the persons referred to in any of the subparagraphs i to iii of the said paragraph *m* for the preservation of a person's rights in respect of a Canadian resource property or a property that would have been a Canadian resource property if it had been acquired by the corporation after 1971, and not including a payment to which the said paragraph *m* applied by virtue of subparagraph v thereof.

9. Section 27 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by adding thereto the following subsection: s. 27, amended

(2*a*) For the purposes of this Act, paragraph *d* of subsection 1 of section 96 of the *Income Tax Act* (Canada) shall apply as though the paragraph read as follows: Exception

(*d*) each income or loss of the partnership for a taxation year were computed as if no deduction were permitted by subsection 1 of section 19, section 20 or the provisions of *The Corporations Tax Application Rules, 1972* relating to exploration and development expenses.

10. Subsection 1 of section 46 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by inserting after "138" in the fifth line "138.1,". s. 46 (1), amended

11. Section 48 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is repealed and the following substituted therefor: s. 48, re-enacted

48. Section 138.1 and subsection 2 of section 142 of the *Income Tax Act* (Canada) are, in so far as they apply to corporations, applicable for the purposes of this Act. Amounts to be included in computing policyholder's income

Communal Organizations

48*a*. Section 143 of the *Income Tax Act* (Canada) is, in so far as it applies to corporations, applicable for the purposes of this Act. Application of R.S.C. 1952, c. 148, s. 143

12. Section 126 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 42, section 11, 1977, chapter 16, section 3 and 1977, chapter 58, sections 9 and 26, is further amended by adding thereto the following subsection: s. 126, amended

(3) Notwithstanding subsection 1, the taxable paid-up capital of a corporation registered under *The Loan and Trust Corporations Act* for a taxation year is its taxable paid-up capital as it stood at the close of the taxation year, and includes, Taxable paid-up capital of loan and trust corporations R.S.O. 1970, c. 254

(*a*) its paid-up capital stock;

(*b*) its earned, capital and any other surplus; and

(*c*) all its reserves, whether created from income or otherwise, except any reserve, the creation of which is allowed as a charge against income under the provisions of Part II.

s. 127 (2*a*), re-enacted

13. Subsection 2*a* of section 127 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 42, section 12, is repealed and the following substituted therefor:

Exception

(2*a*) Subsections 1 and 2 do not apply to any corporation to which subsection 2 or 3 of section 126 applies.

s. 131 (2), re-enacted

14. Subsection 2 of section 131 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 16, section 4 and amended by 1977, chapter 58, section 26, is repealed and the following substituted therefor:

Rate of capital tax on banks and loan and trust corporations R.S.O. 1970, c. 254

(2) The tax payable under this Part by a bank or a corporation registered under *The Loan and Trust Corporations Act* for a taxation year calculated upon its taxable paid-up capital, in this subsection referred to as the "amount taxable" is three-fifths of 1 per cent of the amount taxable.

s. 132 (2), re-enacted

15. Subsection 2 of section 132 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 16, section 4, is repealed and the following substituted therefor:

Idem

(2) There may be deducted from the tax otherwise payable under this Part by a bank or a corporation registered under *The Loan and Trust Corporations Act* for a taxation year an amount equal to three-fifths of 1 per cent of that portion of its taxable paid-up capital that is deemed to be used by the bank or the corporation registered under *The Loan and Trust Corporations Act* in the taxation year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

s. 143 (1), re-enacted

16.—(1) Subsection 1 of section 143 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 32, section 18 and 1977, chapter 58, section 26, is repealed and the following substituted therefor:

Insurance corporations

(1) Every insurance corporation shall pay a tax of,

(*a*) 2 per cent calculated on the gross premiums payable, under contracts of accident insurance, life insurance and sickness insurance; and

(*b*) 3 per cent calculated on the gross premiums payable, under any other contract of insurance,

to the corporation or its agent or agents during the taxation year in respect of business transacted in Ontario (other than premiums in respect of reinsurance ceded to the corporation by other insurance corporations and considerations for annuities), after deducting from such premiums the amount of,

(*c*) the cash value of dividends credited to policyholders; and

(*d*) the premiums returned.

(2) Subsections 1*a* and 1*b* of the said section 143, as enacted by the Statutes of Ontario, 1976, chapter 32, section 18, are repealed and the following substituted therefor: s. 143 (1*a*), re-enacted, s. 143 (1*b*), repealed

(1*a*) For the purposes of subsection 1, "accident insurance", "life insurance" and "sickness insurance" have the respective meanings given to those expressions by section 1 of *The Insurance Act*. Interpretation R.S.O. 1970, c. 224

17. Subsection 4 of section 146 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 58, section 26, is repealed and the following substituted therefor: s. 146 (4), re-enacted

(4) Where a person, acting or purporting to act on behalf of a corporation, knowingly, or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made or has participated in, assented to or acquiesced in the making of, an incorrect statement or omission (in this subsection referred to as a "false statement") in a return, certificate, statement or answer (in this subsection referred to as a "return") filed or made in respect of a taxation year as required by or under this Act or the regulations, the corporation is liable to a penalty of 25 per cent of the amount, if any, by which, Statements or omissions in return

(*a*) the tax for the year that would be payable by it under this Act if its taxable income or other subject of tax for the year were computed by adding to the taxable income or other subject of tax reported by it in its return for the year that portion of the understatement of income or the understatement of any other subject of tax, for the year, that is reasonably attributable to the false statement;

exceeds,

(*b*) the tax for the year that would have been payable by it under this Act had the tax payable for the year been assessed on the basis of the information provided in its return for the year.

Interpretation

(5) For the purposes of subsection 4, the taxable income reported by a corporation in its return for a taxation year shall be deemed not to be less than nil and the "understatement of income" for a year shall be determined in accordance with the rules provided in subsection 2.1 of section 163 of the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

s. 148 (3) (*a*), re-enacted

18.—(1) Clause *a* of subsection 3 of section 148 of the said Act, as re-enacted by the Statutes of Ontario, 1975, chapter 17, section 64, is repealed and the following substituted therefor:

(*a*) on or before,

(i) the last day of each month of the taxation year in respect of which the tax is payable, an instalment equal to one-twelfth of the tax payable as estimated by it at the rates for the taxation year on,

(A) its estimated taxable income and other subject of tax for the taxation year, or

(B) its taxable income and other subject of tax for the immediately preceding taxation year; or

(ii) the last day of each of the first two months of the taxation year in respect of which the tax is payable an instalment equal to one-twelfth of the tax payable as estimated by it, at the rates for the taxation year, on its taxable income and other subject of tax for the second taxation year preceding the taxation year, and on or before the last day of each of the following ten months of the taxation year an instalment equal to one-tenth of the amount remaining after deducting the amount computed pursuant to this subclause in respect of the first two months of the taxation year from the tax payable as estimated by it at the rates for the taxation year on its taxable income and

other subject of tax for the immediately preceding taxation year; and

. . . . .

(2) Subsection 5 of the said section 148, as enacted by the Statutes of Ontario, 1976, chapter 32, section 19 and amended by 1977, chapter 58, section 16, is repealed and the following substituted therefor: s. 148 (5), re-enacted

(5) Notwithstanding clause *a* of subsection 3, the amount payable by a mutual fund corporation to the Treasurer of Ontario on or before the last day of any month of the taxation year in respect of which the tax is payable, shall be deemed to be the amount, if any, by which, Mutual fund corporations

(*a*) the amount so payable otherwise determined under that subsection,

exceeds,

(*b*) one-twelfth of the corporation's capital gains refund for the year, as determined under section 41.

19.—(1) Subsection 1 of section 149 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 58, section 26, is repealed and the following substituted therefor: s. 149 (1), re-enacted

(1) Where the amount paid on account of the tax payable by a corporation for a taxation year is less than the amount of tax payable for the taxation year, the corporation liable to pay the tax shall pay interest on the difference between, Interest on unpaid tax

(*a*) the amount of tax payable for the taxation year; and

(*b*) the amount paid on account of the tax payable for the taxation year,

from the day on which the balance of the tax payable is required to be paid pursuant to clause *b* of subsection 3 of section 148 to the day of payment of the tax, at such rate as is prescribed by the regulations.

(1*a*) For the purposes of subsection 1, the "amount paid on account of the tax payable" is the amount paid by the corporation on account of the tax payable for the taxation year minus any amounts refunded to the corporation or any amounts applied to other liability of the corporation pursuant to section 152. Interpretation

s. 149 (5), re-enacted

(2) Subsection 5 of the said section 149, as amended by the Statutes of Ontario, 1977, chapter 58, section 26, is repealed and the following substituted therefor:

Interest on unpaid tax

(5) For the purpose of calculating interest under subsection 2, where a corporation is required to pay a part or instalment of tax for a taxation year pursuant to subsection 3 of section 148, the corporation shall be deemed to have been liable to pay the part or instalment determined under,

(*a*) sub-subclause A of subclause i of clause *a* of subsection 3 of section 148;

(*b*) sub-subclause B of subclause i of clause *a* of subsection 3 of subsection 148; or

(*c*) subclause ii of clause *a* of subsection 3 of section 148,

whichever method gives the least amount required to be paid.

s. 150 (1*a*, 1*b*), re-enacted

20. Subsections 1*a* and 1*b* of section 150 of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 58, section 18, are repealed and the following substituted therefor:

Determination of losses

(1*a*) Where the Minister ascertains the amount of a corporation's non-capital loss, net capital loss or restricted farm loss for a taxation year and that amount is different from the amount reported by the corporation in its return of income for that year, the Minister shall, at the request of the corporation, determine, with all due dispatch, the amount of the corporation's non-capital loss, net capital loss or restricted farm loss, as the case may be, and shall send a notice of determination to the corporation that delivered the return.

Provisions applicable R.S.C. 1952, c. 148

(1*b*) The provisions of paragraph *l* of subsection 1 of section 56 and paragraph *o* of section 60 of the *Income Tax Act* (Canada), as those paragraphs apply by virtue of sections 16 and 17, respectively, of this Act, and the provisions of this Part, as they relate to an assessment or reassessment and to assessing tax and reassessing tax, are applicable, *mutatis mutandis*, to a determination or redetermination and to determining and redetermining amounts under this Part, except that subsections 1 and 2 are not applicable to determinations made under subsection 1*a* and, for greater certainty, an original determination of a corporation's non-capital loss, net capital loss or restricted farm loss for a taxation year may be made by the Minister only at the request of the corporation.

(1*c*) For greater certainty, where the Minister makes a determination of the amount of a corporation's non-capital loss, net capital loss or restricted farm loss for a taxation year, as the case may be, subject to the corporation's rights of objection and appeal in respect of the determination and subject to any redetermination by the Minister, the determination is binding on both the Minister and the corporation for the purposes of calculating the taxable income of the corporation in any other year. Determination binding

21. Subsection 3 of section 152 of the said Act is repealed and the following substituted therefor: s. 152 (3), re-enacted

(3) Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing with the later of, Interest on overpayments

(*a*) the day on which the overpayment arose; and

(*b*) the day on or before which the balance of the tax payable for the taxation year is required to be paid pursuant to clause *b* of subsection 3 of section 148,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than $1, in which event no interest shall be paid or applied under this subsection.

22. Subsection 1 of section 153 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 58, section 20, is repealed and the following substituted therefor: s. 153 (1), re-enacted

(1) Where instalments of tax as required by subsection 3 of section 148 are overpaid at any time prior to, Credit interest on overpaid instalments

(*a*) the day on or before which the balance of the tax payable for the taxation year is required to be paid pursuant to clause *b* of subsection 3 of section 148; or

(*b*) the day on which a refund was made upon assessment where such assessment is made before the day referred to in clause *a*,

whichever is earlier, interest at such rate as is prescribed for the purpose of subsection 3 of section 152 shall be allowed on the amount of the overpayment.

Commencement and Application

23.—(1) Sections 1 and 2, subsection 2 of section 12 of the said Act, as enacted by section 3 of this Act, and sections 4 and 9 shall be deemed to have come into force on the 8th day of December, 1977.

Idem

(2) Subsection 1 of section 19, and sections 20, 21 and 22 come into force on the day this Act receives Royal Assent.

Idem

(3) Sections 5 and 6 shall be deemed to have come into force on the 8th day of March, 1978, and apply to property acquired and expenses incurred after the 7th day of March, 1978.

Idem

(4) Subsection 3 of section 12 of the said Act, as enacted by section 3 of this Act, section 7 of this Act, and section 48*a* of the said Act, as enacted by section 11 of this Act, shall be deemed to have come into force on the 1st day of January, 1977 and apply to corporations in respect of all taxation years ending after 1976.

Idem

(5) Subsections 1 and 2 of section 8 shall be deemed to have come into force on the 7th day of May, 1974, and apply to corporations in respect of all taxation years ending after the 6th day of May, 1974.

Idem

(6) Subsection 3 of section 8 shall be deemed to have come into force on the 7th day of May, 1974, and applies to amounts paid or payable after the 6th day of May, 1974 in respect of the period after that date.

Idem

(7) Section 10 of this Act, and section 48 of the said Act, as re-enacted by section 11 of this Act, shall be deemed to have come into force on the 1st day of January, 1978 and apply to corporations in respect of all taxation years ending after 1977.

Idem

(8) Sections 12, 13, 14 and 15 shall be deemed to have come into force on the 8th day of March, 1978 and apply to corporations in respect of all taxation years ending after the 7th day of March, 1978, except that with respect to the taxation year ending after the 7th day of March, 1978, and that includes that day, the following rules apply:

(*a*) determine the amount of tax payable under Part III of the said Act as that Part stood on the 7th day of March, 1978 on the assumption that that Part as it so stood was applicable to that taxation year;

(*b*) determine the proportion of the amount determined under clause *a* that the number of days of that

taxation year prior to the 8th day of March, 1978 bears to the total number of days of that taxation year;

(*c*) determine the amount of tax payable under Part III of the said Act, as amended by sections 12, 13, 14 and 15 of this Act, on the assumption that that Part as so amended was applicable for that taxation year;

(*d*) determine the proportion of the amount determined under clause *c* that the number of days of that taxation year that follow the 7th day of March, 1978 bears to the total number of days of that taxation year;

(*e*) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the amount payable by the corporation under Part III of the said Act, as amended by this Act, for its taxation year that ends after the 7th day of March, 1978, and that includes that day.

(9) Section 16 shall be deemed to have come into force on the 8th day of March, 1978 and applies to corporations in respect of all taxation years ending after the 7th day of March, 1978, except that with respect to the taxation year ending after the 7th day of March and that includes that day, the following rules apply: Idem

(*a*) determine the tax payable under section 143 of the said Act as that section stood on the 7th day of March, 1978 on the assumption that that section as it so stood was applicable to that taxation year;

(*b*) determine the proportion of the amount determined under clause *a* that the number of days of that taxation year prior to the 8th day of March, 1978 bears to the total number of days of that taxation year;

(*c*) determine the amount of tax payable under section 143 of the said Act, as amended by section 16 of this Act, on the assumption that that section as so amended was applicable for that taxation year;

(*d*) determine the proportion of the amount determined under clause *c* that the number of days of

that taxation year that follow the 7th day of March, 1978 bears to the total number of days of that taxation year;

(*e*) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the amount payable by the corporation under section 143 of the said Act, as amended by this Act, for its taxation year that ends after the 7th day of March, 1978, and that includes that day.

Idem

(10) Section 17 shall be deemed to have come into force on the 1st day of April, 1977.

Idem

(11) Section 18 and subsection 2 of section 19 come into force on the 1st day of July, 1978 and apply to corporations in respect of all taxation years commencing on or after that date.

Short title

24. The short title of this Act is *The Corporations Tax Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Corporations Tax Act, 1972

1st Reading

March 7th, 1978

2nd Reading

April 18th, 1978

3rd Reading

April 25th, 1978

THE HON. L. MAECK
Minister of Revenue

BILL 29 (Auld. Min. Leg. Leg. Assembly)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Mining Tax Act, 1972

THE HON. J. A. C. AULD
Minister of Natural Resources and Minister of Energy

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 29 1978

An Act to amend The Mining Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Mining Tax Act, 1972*, being chapter 140, as amended by the Statutes of Ontario, 1974, chapter 132, section 1, is further amended by adding thereto the following clause: s. 1, amended

(*ib*) "social asset" means an asset that is incidental and ancillary to mining and processing operations and that relates directly to the provision of housing, recreational and service facilities, provided that the asset,

(i) is necessary to attract or retain employees, and

(ii) is available for the use of all employees.

2.—(1) Subsection 3 of section 3 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 132, section 2, is further amended by adding thereto the following clause: s. 3 (3), amended

(*ea*) the proportion of the operating and maintenance expenses related to social assets in Ontario that is directly attributable to the mining operations after deducting therefrom all rents, fees, grants and other payments received during the taxation year by the mine operator in connection therewith, to the extent that such expenses are not otherwise deductible under the regulations.

(2) Clause *k* of subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3) (*k*), re-enacted

(*k*) subject to subsections 3*a*, 3*b* and 3*c*,

(i) an allowance for depreciation in each taxation year of not more than 15 per cent of the capital cost to the operator computed at the close of the taxation year of the mining plant, machinery, equipment and buildings,

(ii) notwithstanding subclause i, an allowance for depreciation in each taxation year not exceeding 30 per cent of the capital cost to the operator computed at the close of the taxation year of the mining plant, machinery, equipment and buildings acquired after the 9th day of April, 1974, that has not been used previously in mining operations, and

(iii) notwithstanding subclause i or ii, an allowance for depreciation in each taxation year on mining plant, machinery, equipment and buildings acquired at arm's length for use in a new mine or a major expansion of an existing mine after the 7th day of March, 1978 and before the completion of the project in an amount not exceeding the lesser of,

A. the profits for the taxation year from such new mine or major expansion of an existing mine, and

B. the undepreciated capital cost to the mine operator of the mining plant, machinery, equipment and buildings at the end of the taxation year before making any deduction under this subclause for the taxation year,

until the full cost thereof has been allowed as an expense under this clause.

s. 3 (3) (*l*), repealed

(3) Clause *l* of subsection 3 of the said section 3, as re-enacted by the Statutes of Ontario, 1974, chapter 132, section 2, is repealed.

s. 3 (3) (*n*), amended

(4) Clause *n* of subsection 3 of the said section 3, as re-enacted by the Statutes of Ontario, 1974, chapter 132, section 2, is amended by striking out "at least 15 per cent and" in the first and second lines.

s. 3, amended

(5) The said section 3 is amended by adding thereto the following subsection:

(3*a*) Notwithstanding clause *k* of subsection 3, no allowance for depreciation on any asset that is a social asset shall be deducted under subsection 3. Depreciation on social assets not allowed

(6) The said section 3 is further amended by adding thereto the following subsections: s. 3, amended

(3*b*) No allowance for depreciation shall be made under subclause iii of clause *k* of subsection 3 unless, Qualification of new mine or major expansion

(*a*) the new mine or major expansion of an existing mine has been designated by the Minister for the purposes of this subsection; and

(*b*) the operator or other person liable to pay the tax under this Act has elected that the project be treated as a new mine or a major expansion of an existing mine under subclause iii of clause *k* of subsection 3.

(3*c*) An election under clause *b* of subsection 3*b* shall be made in the return delivered under section 6 in which the first claim for depreciation is made for the new mine or the major expansion of an existing mine under subclause iii of clause *k* of subsection 3 and shall be binding upon the person by whom it is made and shall not subsequently be altered or revoked. When election to be made

(7) Clause *a* of subsection 4 of the said section 3 is repealed and the following substituted therefor: s. 3 (4) (*a*), re-enacted

(*a*) the cost of mining plant, machinery, equipment and buildings except as provided in subsection 3 and in section 3*a*.

(8) The said section 3 is further amended by adding thereto the following subsections: s. 3, amended

(6) The undepreciated capital cost of the mining plant, machinery, equipment and buildings, herein referred to as "the assets", at any time means the amount by which the aggregate of, Recapture

(*a*) the capital cost to the operator of the assets acquired before that time; and

(*b*) all amounts included in profits by virtue of subsection 7 for a taxation year ending prior to that time,

exceeds the aggregate of,

(*c*) the total depreciation deducted for the assets by the operator before that time; and

(*d*) for each disposition of any asset or part thereof, the lesser of,

(i) the proceeds of disposition of that asset or part, and

(ii) the capital cost to the operator of that asset or part.

Idem

(7) Where, at the end of a taxation year, the aggregate of all amounts determined under clauses *c* and *d* of subsection 6 exceeds the aggregate of all amounts determined under clauses *a* and *b* of subsection 6, the excess shall be included in computing the profits for the taxation year.

Minister may make determination

(8) Where mining plant, machinery, equipment or buildings or any part thereof were not acquired or disposed of at arm's length and the Minister considers it necessary or advisable, he may determine in accordance with the regulations the capital cost to the operator and the proceeds of disposition of the mining plant, machinery, equipment and buildings for the purposes of this section.

Meaning of "at arm's length"
R.S.C. 1952, c. 148

(9) For the purposes of this section, the rules determining "at arm's length" in section 251 of the *Income Tax Act* (Canada) apply with necessary modifications.

s. 3*a*, enacted

3. The said Act is amended by adding thereto the following section:

Interpretation

3*a*.—(1) In this section,

(*a*) "agent" means an agent of Ontario Hydro for the purpose of receiving on behalf of Ontario Hydro any uranium pursuant to a subsequent contract;

(*b*) "Ontario Hydro" includes its successors and assigns;

(*c*) "original contract" means any contract entered into with Ontario Hydro and approved by the Lieutenant Governor in Council subsequent to the 31st day of December, 1977 and prior to the 8th day of March, 1978 to supply uranium to Ontario Hydro;

(*d*) "specified uranium undertaking" means any undertaking in Ontario carried out pursuant to an original or subsequent contract to supply uranium to Ontario Hydro and includes any other undertaking that may be prescribed by the regulations;

(*e*) "subsequent contract" means any contract to supply uranium to Ontario Hydro or any of its agents entered into on or after the 8th day of March, 1978,

(i) made with a party, other than Ontario Hydro, that was a party to the original contract, or

(ii) granting, transferring or assigning any rights under the original contract to supply uranium to Ontario Hydro;

(*f*) "undertaking" means any mining or processing operation that produces uranium.

No deduction for certain operating expenses

(2) Notwithstanding clause *ea* of subsection 3 of section 3, no deduction shall be made under that clause for the proportion of expenses that is attributable to a specified uranium undertaking.

Allowance for depreciation

(3) Notwithstanding subclause i of clause *k* of subsection 3 of section 3, an allowance under that clause for depreciation in each taxation year shall be not less than 5 per cent and not more than 15 per cent of the capital cost to the operator computed at the close of a taxation year of the mining plant, machinery, equipment and buildings that is attributable to the operation of a specified uranium undertaking.

No allowance for proportion of depreciation attributable to specified uranium undertaking

(4) Notwithstanding subclause iii of clause *k* of subsection 3 of section 3, no allowance under that clause for depreciation shall be allowed for the proportion of depreciation on any mining plant, machinery, equipment or buildings that is attributable to the operation of a specified uranium undertaking.

Deduction for exploration and development expenditures

(5) Notwithstanding clause *n* of subsection 3 of section 3, at least 15 per cent and not more than 100 per cent of the exploration and development expenditures permitted under subclauses i and ii of that clause shall be deducted for the proportion of exploration and development expenses that is attributable to the operation of a specified uranium undertaking.

s. 7, amended

4. Section 7 of the said Act is amended by adding thereto the following subsections:

Assessment where no return

(1*a*) Where an operator fails to make a return under section 6 or a remittance as required under this Act or the regulations or if his returns are not substantiated by his records and any information furnished under this Act, the

mine assessor may assess the tax, interest or penalties payable by the operator.

Notice of assessment

(1*b*) Where the mine assessor has made an assessment under subsection 1*a*, he may send to the operator or person liable to pay the tax a notice of assessment requiring that the amount of the assessment made under subsection 1*a* be paid to the Minister within one month after the mailing of the notice of assessment, whether or not the assessment is appealed under this Act.

. . . . .

Assessment deemed valid

(4) An assessment, subject to being varied or vacated on an appeal and subject to a reassessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

s. 7*a*, enacted

5. The said Act is further amended by adding thereto the following section:

Reassessment

7*a*. The mine assessor may at any time assess tax, interest or penalties, or notify in writing any person by whom a return for a taxation year has been filed that no tax is payable for the taxation year, and may,

(*a*) at any time, if the operator or person filing the return,

(i) has made any misrepresentation or committed any fraud in filing the return or supplying any information under this Act, or

(ii) has failed to file the financial information with the return required to be filed under section 6, or

(iii) has been negligent in supplying any information under this Act, or

(iv) has filed with the Minister a waiver in a prescribed form within four years from the date of mailing of a notice of an original assessment or of a notification that no tax is payable for a taxation year; and

(*b*) within four years from the date referred to in subclause iv of clause *a*, in any other case,

reassess or make additional assessments or assess a tax, interest or penalties, as the circumstances require.

6. The said Act is further amended by adding thereto the following section: s. 11*a*, enacted

11*a*.—(1) No person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act or allow any such person to inspect or have access to any written statement furnished under this Act. Confidentiality

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than $200. Penalty

(3) Notwithstanding subsection 1, the Minister may, for the purpose of aiding in an investigation for taxation purposes under this or any other Act, enter into an agreement with the Government of Canada or of any province under which officers of such government will be allowed access to information obtained or any written statement furnished under this Act and officers of the Government of Ontario will be allowed access to information obtained or any written statement furnished under any Act of such government. Agreements to exchange information

7. Section 15 of the said Act is amended by adding thereto the following subsection: s. 15, amended

(4*a*) Every person who wilfully fails to comply with this Act at the time or times provided, Penalty

(*a*) by failing to make a payment of tax under section 2;

(*b*) by making a payment of tax under section 2 that is an unreasonable estimate of the tax payable by him or is a deliberately underestimated amount of the tax payable by him; or

(*c*) by failing to file a return as required by section 6,

is liable to a penalty of 10 per cent of the amount by which the amount of tax payable as shown in the notice of assessment sent under section 7 exceeds the amount of tax, if any, paid under section 2, and such additional amount shall for all purposes be deemed to be a tax payable under this Act.

8.—(1) Clause *c* of subsection 1 of section 23 of the said Act is repealed and the following substituted therefor: s. 23 (1) (*c*), re-enacted

(*c*) determining the amounts to be included or allowed as deductions by the mine assessor in appraising the value of mineral substances at the pits mouth for the purposes of clause *c* of subsection 3 of section 3.

s. 23 (1) (*ca*, *cb*), re-enacted

(2) Clauses *ca* and *cb* of subsection 1 of the said section 23, as enacted by the Statutes of Ontario, 1974, chapter 132, section 3, are repealed and the following substituted therefor:

(*ca*) prescribing the manner of determining and the matters to be taken into account in determining whether or not,

(i) there is to be disaggregation of a mine under subsection 2*a* of section 3, and

(ii) there is a mine project that is a new mine or a major expansion of an existing mine for the purposes of subclause iii of clause *k* of subsection 3 of section 3;

(*cb*) prescribing or determining anything that, by this Act, is required or permitted to be prescribed or determined by the regulations;

(*cc*) providing for the manner of determining the time at which a mine project is complete or a mine is brought into active operation;

(*cd*) authorizing and providing for the recapture of depreciation where such recapture is not otherwise authorized and provided for in this Act;

(*ce*) providing for the manner of determining the capital cost and proceeds of disposition for the purposes of subsection 8 of section 3 and the regulations;

(*cf*) prescribing the methods to be used in calculating the proportion of allowances and deductions available or attributable to a specified uranium undertaking;

(*cg*) prescribing an undertaking as a specified uranium undertaking.

Commencement

9.—(1) This Act, except section 1 and subsections 1 and 5 of section 2, shall be deemed to have come into force on the 8th day of March, 1978.

(2) Section 1 and subsections 1 and 5 of section 2 shall be deemed to have come into force on the 10th day of April, 1974. Idem

10. The short title of this Act is *The Mining Tax Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Mining Tax Act, 1972

1st Reading

March 7th, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 13th, 1978

THE HON. J. A. C. AULD
Minister of Natural Resources and
Minister of Energy

1978

BILL 30 1st read. in Leg. Leg. Assembly

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Elections Act, 1977

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 30 1978

An Act to amend The Municipal Elections Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as lows:

1. Subsection 2 of section 9 of *The Municipal Elections Act, 1977*, being chapter 62, is repealed and the following substituted therefor: s. 9 (2), re-enacted

(2) The term of office of members of a council or local board who hold office on the 30th day of November, 1978, and whose term of office but for this subsection would expire with the 31st day of December, 1978, shall, subject to subsection 3, expire with the 30th day of November, 1978, and where such members are paid an annual allowance, the allowance for the year 1978 shall be reduced proportionately. Expiry of term of office and proportional reduction in annual allowances

(3) The holders of offices hold office until their successors are elected and the newly elected council or local board is organized. Until new council organized

2. Clause *a* of subsection 1 of section 36 of the said Act is repealed and the following substituted therefor: s. 36 (1) (*a*), re-enacted

(*a*) shall be signed by at least ten electors, either whose names are entered in the preliminary list of electors or who have furnished to the clerk an affidavit in the prescribed form that they are entitled to vote in the election to such office.

3. Subsection 5 of section 37 of the said Act is repealed and the following substituted therefor: s. 37 (5), re-enacted

(5) Where the number of candidates for an office who are nominated at the end of nomination day is not sufficient to fill the number of vacancies to which candidates may Where number of candidates nominated insufficient

be elected, subsection 1 of section 40 respecting acclamatio applies to those candidates, but additional nominations fc the remaining vacancies in the office in respect of whic there was an insufficient number of candidates may be file in the office of the clerk on the Wednesday followin nomination day between the hours of 9.00 o'clock in th forenoon and 5.00 o'clock in the afternoon and the provisior of subsection 4 apply, with the necessary modifications, a though the additional nomination papers had been filed c nomination day.

s. 40 (1), re-enacted

4. Subsection 1 of section 40 of the said Act is repealed an the following substituted therefor:

Acclamation

(1) If no more candidates are nominated at the end nomination day for any office than the number to be electe the clerk shall forthwith after 5 o'clock in the afternoon the day following nomination day declare that candidate those candidates duly elected.

Idem

(1*a*) In the case where additional nominations have bee filed under subsection 5 of section 37 and the addition number of candidates nominated is not more than tl remaining number of vacancies for which the addition candidates were nominated, the clerk shall forthwith aft 5 o'clock in the afternoon of the Thursday following nom nation day, declare that candidate or those candidates du elected.

s. 55 (1), par. 4, re-enacted

5. Paragraph 4 of subsection 1 of section 55 of the said Act repealed and the following substituted therefor:

4. If voting by such person is objected to by ar candidate or scrutineer, the deputy returning offic shall enter the objection or cause it to be enter on the polling list maintained by the poll cler by writing opposite the name of such person t

words "*Objected to by* ..... (name of candidate on whose behalf the objecti was made)" and the deputy returning officer sh require the person in respect of whom the objecti was made to take the prescribed oath.

s. 92 (5), re-enacted

6. Subsection 5 of section 92 of the said Act is repealed ar the following substituted therefor:

Idem
R.S.O. 1970, c. 32

(5) Where in the year following an election year the annu enumeration under *The Assessment Act* has, not less th sixty days prior to the holding of the new election, be

completed for the municipality or municipalities in which the new election is to be held, the assessment commissioner shall, within fourteen days of a request by the clerk or clerks of such municipality or municipalities, furnish a new preliminary list of electors based on such annual enumeration and in accordance with the requirements of this Act pertaining to the preparation of such lists and such preliminary list shall for all purposes, including revision by the clerk, be the preliminary list of electors for the new election and the revision shall be subject to the rule set out in paragraph 2, 3 or 4 of subsection 4, as the case requires, except that in the application of the relevant rule the qualification period expressed therein as "the period of qualification specified under section 12 or 13" shall be deemed instead to be the period in the year following the election year during which the enumeration was taken under section 23 of *The Assessment Act*. R.S.O. 1970, c. 32

7. Subsection 3 of section 117 of the said Act is amended by striking out "104" in the third line and inserting in lieu thereof "106". s. 117 (3), amended

8. Subsection 2 of section 32 of *The Liquor Licence Act, 1975*, being chapter 40, as re-enacted by the Statutes of Ontario, 1977, chapter 62, section 124, is repealed and the following substituted therefor: 1975, c. 40, s. 32 (2), re-enacted

(2) Where the vote is held on a day other than the date set for the election of members to the council of the municipality, for the purpose of determining the period during which a person may qualify as an elector entitled to vote on the question, the reference in paragraph 4 of subsection 4 of section 92 of *The Municipal Elections Act, 1977*, to the order of the Ontario Municipal Board given under section 262 of *The Municipal Act* shall be deemed to be a reference to the date of the approval given by the Board as required by section 31 of this Act. Qualification period for determining eligibility of electors; 1977, c. 62; R.S.O. 1970, c. 284

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. The short title of this Act is *The Municipal Elections Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 24, 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipal Elections Act, 1977

1st Reading

March 9th, 1978

2nd Reading

March 28th, 1978

3rd Reading

March 30th, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

Pauline Leg. Leg. S. Hon

BILL 31

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Ministry of Government Services Act, 1973

THE HON. L. HENDERSON
Minister of Government Services

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 31 **1978**

An Act to amend The Ministry of Government Services Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 6 of *The Ministry of Government Services Act, 1973*, being chapter 2, as amended by the Statutes of Ontario, 1974, chapter 36, section 3, are repealed and the following substituted therefor: s. 6 (1, 2), re-enacted

(1) It is the responsibility of the Minister and he has power, in accordance with section 8, to acquire, lease and dispose of public works. Responsibility of Minister

(2) It is the responsibility of the Ministry, and the officers, clerks and servants of the Ministry have power, under the direction of the Minister and the Deputy Minister, Responsibility of Ministry

(*a*) to design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer premises, buildings and structures that are public works;

(*b*) to determine the public works or parts thereof that are open to the public and to manage and administer such public works or parts including,

(i) regulating vehicular and pedestrian traffic,

(ii) setting apart any building, premises or structure that is a public work, or any part thereof, for a limited use, and

(iii) collecting fees fixed by the Minister for parking in any area set aside for parking in, on or under any public work, and the Minister may fix such fees;

(*c*) to develop and manage common services for increasing the effectiveness, efficiency and economy of ministries and agencies of the Government;

(*d*) to establish specifications and standards concerning the acquisition of commodities, furnishings and equipment by the Government, the cataloguing of commodities, furnishings and equipment and the maintenance, storage and disposal of commodities, furnishings and equipment;

(*e*) to acquire by purchase, lease or otherwise, commodities, furnishings, equipment and services required by the Government, to store all or any of such commodities, furnishings and equipment and to dispose of all or any of such commodities, furnishings and equipment; and

(*f*) to provide such other services as the Lieutenant Governor in Council assigns.

s. 10, amended

2. Section 10 of the said Act is amended by adding thereto the following subsection:

Idem

(2) The officers, clerks and servants of the Ministry under the direction of the Minister and the Deputy Minister may enter into contracts or agreements for and in the name of the Crown to carry out the responsibilities of the Ministry under this Act.

s. 13, re-enacted

3. Section 13 of the said Act is repealed and the following substituted therefor:

Tenders

13. Before a contract is entered into for and in the name of the Crown in respect of the construction, renovation or repair of a public work, the Ministry shall invite tenders therefor except,

(*a*) in cases of emergency where in the opinion of the Minister delay would be damaging; or

(*b*) where the estimated cost of the work is less than $10,000,

and the Minister shall report all cases referred to in clause *a* to the Legislature forthwith, if it is in session or, if not, at the next ensuing session.

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is *The Ministry of Government Services Amendment Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ministry of Government
Services Act, 1973

1st Reading

March 9th, 1978

2nd Reading

April 18th, 1978

3rd Reading

May 2nd, 1978

THE HON. L. HENDERSON
Minister of Government Services

1978

BILL 33

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Land Titles Act

THE HON. R. MCMURTRY
Attorney General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 33 **1978**

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 51 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 132, section 13, is further amended by adding thereto the following paragraph: s. 51 (1), amended

4*a*. Any right under Part III of *The Family Law Reform Act, 1978*, of the spouse of the person registered as owner. 1978, c. ....

2. Subsections 8 and 9 of section 96 of the said Act are repealed. s. 96 (8, 9), repealed

3. Section 132 of the said Act is repealed. s. 132, repealed

4. This Act comes into force on the 31st day of March, 1978. Commencement

5. The short title of this Act is *The Land Titles Amendment Act, 1978*. Short title

SSENTED TO BY ADMINISTRATOR OF PROVINCE March 30 1978

SSEMBLY PROROGUED _____ 19__

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Land Titles Act

1st Reading

March 16th, 1978

2nd Reading

March 28th, 1978

3rd Reading

March 28th, 1978

THE HON. R. MCMURTRY
Attorney General

1978

BILL 34

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Registry Act

THE HON. R. MCMURTRY
Attorney General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 34 1978

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *o* of section 1 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (*o*), re-enacted

(*o*) "will" means a will as defined in *The Succession Law Reform Act, 1977*. 1977, c. 40

2.—(1) Section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4 and 1972, chapter 133, section 16, is further amended by adding thereto the following subsection: s. 42, amended

(4*a*) For the purposes of subsections 5 and 6, "spouse" means "spouse" as defined in clause *f* of section 1 of *The Family Law Reform Act, 1978*. Interpretation 1978, c. ...

(2) Subsections 5 and 6 of the said section 42 are repealed and the following substituted therefor: s. 42 (5, 6), re-enacted

(5) A deed, conveyance, mortgage, lease, assignment of lease, release, or quit claim that is made by a person, other than a corporation, in which no one joins as a spouse, shall not be registered unless there is made on or securely attached to it an affidavit by that person, or if the document is executed by an attorney, by that attorney, deposing whether the person was a spouse at the time of the execution of the instrument. Affidavit as to spousal status

(6) A deed, conveyance, mortgage, lease, assignment of lease, release, or quit claim that is made by a person and in which another person joins as a spouse shall not be registered unless there is made on or securely attached to it an affidavit by such person, or his or her spouse, or, if the Affidavit by spouses

document is executed by an attorney, by that attorney, deposing that they were spouses of one another at the time of execution of the instrument.

s. 42 (9), amended

(3) Subsection 9 of the said section 42 is amended by adding thereto the following clause:

(*aa*) to a spouse who, not as an owner and party, consents to or joins in an instrument for the purposes of section 42 of *The Family Law Reform Act, 1978*.

1978, c. ...

s. 42 (10), re-enacted

(4) Subsection 10 of the said section 42, as amended by the Statutes of Ontario, 1972, chapter 133, section 16, is repealed and the following substituted therefor:

When subss. 5, 6 do not apply

(10) Subsections 5 and 6 do not apply to a person executing an instrument in his capacity as Public Trustee, Official Guardian, trustee in bankruptcy, executor or administrator who is not selling for the purpose of paying debts of the estate, committee of a mentally incompetent person, sheriff, trustee of a religious institution or trustee of a school board and any other person who may be designated by regulation.

s. 102 (1), amended

3. Subsection 1 of section 102 of the said Act is amended by adding thereto the following clause:

(*qa*) designating persons for the purposes of subsection 10 of section 42.

Commencement

4. This Act comes into force on the 31st day of March, 1978.

Short title

5. The short title of this Act is *The Registry Amendment Act, 1978*.

ASSENTED TO BY ADMINISTRATOR OF PROVINCE March 30 19

ASSEMBLY PROROGUED _____ 19

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Registry Act

1st Reading

March 16th, 1978

2nd Reading

March 28th, 1978

3rd Reading

March 28th, 1978

THE HON. R. MCMURTRY
Attorney General

1978

BILL 35 1 cual. in Leg. Leg. S. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Crown Timber Act

THE HON. F. S. MILLER
Minister of Natural Resources

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 35 1978

An Act to amend The Crown Timber Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The Crown Timber Act*, being chapter 102 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 6 (2), re-enacted

(2) Every licensee shall pay annually an area charge in respect of the productive lands comprised in the licensed area. Area charge

2. Subsection 4 of section 25 of the said Act is repealed and the following substituted therefor: s. 25 (4), re-enacted

(4) The Minister may enter into an agreement with a licensee for the promotion and maintenance of the productivity of the licensed area by establishing, regenerating and tending forests and employing silvicultural cutting systems to regenerate forests. Minister may enter into agreements

3.—(1) Clause *i* of subsection 1 of section 46 of the said Act is repealed and the following substituted therefor: s. 46 (1) (*i*), re-enacted

(*i*) makes or avails himself of any false statement or oath with respect to any matter under this Act or the regulations, is liable to a penalty of not less than $100 and not more than $500.

(2) Subsection 2 of the said section 46, exclusive of the clauses, is repealed and the following substituted therefor: s. 46 (2), amended

(2) Where in the opinion of the Minister a person is liable to a penalty under subsection 1 or the regulations, he may give notice to the person by registered mail, Demand for penalty

. . . . .

s. 46 (3) (*a*), re-enacted

(3) Clause *a* of subsection 3 of the said section 46 is repeale and the following substituted therefor:

(*a*) to determine whether such person is liable to penalty under subsection 1 or the regulations, and

. . . . .

s. 49, re-enacted

4. Section 49 of the said Act is repealed and the following sul stituted therefor:

Regulations re Crown charges

49. Notwithstanding anything in this Act or any gener or special Act or in any order, regulation, agreement licence, any regulation made under clause *c* or *d* of section 5 may be made to come into force on the 1st day of Ap immediately preceding its filing or on any day subsequent that 1st day of April.

Determination of Crown dues

49*a*. Unless otherwise provided in the regulations, tl Crown dues to be paid in respect of timber by a licensee class of licensee are those Crown dues fixed or determin under the regulations in force at the time the timber measured, notwithstanding that the timber is cut before tl regulations come into force.

s. 51 (*c*), re-enacted

5.—(1) Clause *c* of section 51 of the said Act is repealed and t following substituted therefor:

(*c*) fixing the amount of area charge and other charg to be paid in respect of licensed areas.

s. 51 (*d*, *e*), re-enacted

(2) Clauses *d* and *e* of the said section 51 are repealed and t following substituted therefor:

(*d*) fixing or determining the Crown dues to be paid by licensee or class of licensee in respect of any ki or class of timber, other than killed or damag timber, cut under licence and, without limiting t generality of the foregoing, such regulations m provide for,

(i) the fixing or determining of Crown dues by formula employing any index number exi ing before or coming into existence after t regulations come into force, of any pr index, or any average of any such ind numbers,

(ii) a method of categorizing any licensee or cl of licensee in respect of the application of a such formula,

(iii) any forfeiture or suspension considered necessary to administer effectively any such method,

(iv) the filing of any certificate, affidavit and other material considered necessary for the purposes of any such method,

(v) determining when a licensee shall be deemed to have failed or neglected to file any such certificate, affidavit or other material, and

(vi) informing licensees of Crown dues determined by any formula;

(*e*) fixing the times at which Crown charges are payable and the rate and kind of interest to be charged on overdue accounts and prescribing the method of calculating or compounding any such interest.

6.—(1) This Act, except section 1 and subsection 1 of section 5, comes into force on the day it receives Royal Assent. Commencement

(2) Section 1 and subsection 1 of section 5 shall be deemed to have come into force on the 1st day of April, 1978. Idem

7. The short title of this Act is *The Crown Timber Amendment Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Crown Timber Act

1st Reading

March 14th, 1978

2nd Reading

May 30th, 1978

3rd Reading

June 23rd, 1978

THE HON. F. S. MILLER
Minister of Natural Resources

1978

Pauline M. Gylstra

BILL 42

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 42 **1978**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 27 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: s. 27, amended

(4) The Registrar may, at any time for misconduct or contravention of the provisions of this Act, *The Public Vehicles Act* or *The Public Commercial Vehicles Act* or of any regulation thereunder by an owner or lessee of one or more motor vehicles or trailers for which permits have been issued by a jurisdiction or jurisdictions other than the Province of Ontario, order that the permit and number plates issued for such vehicle or vehicles be seized and any constable or any officer appointed for carrying out the provisions of this Act or the enforcement of *The Public Vehicles Act* or *The Public Commercial Vehicles Act* may seize the permit and number plates and deliver them to the Ministry which shall return them to the authority that issued them. Power to seize out-of-province permits and plates R.S.O. 1970, cc. 392, 375

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Highway Traffic Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Highway Traffic Act

1st Reading

March 16th, 1978

2nd Reading

May 2nd, 1978

3rd Reading

May 2nd, 1978

THE HON. J. W. SNOW
Minister of Transportation and
Communications

1978

Paul. min. leg. leg. Ass. Hon

BILL 43

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 43 1978

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1978

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1978; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows: Preamble

1.—(1) In addition to the sum of $12,349,226,300 granted by *The Supply Act, 1977*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole $145,263,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1977, to the 31st day of March, 1978, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which the Schedule is based. $145,263,000 granted for fiscal year 1977-78 1977, c. 71

(2) Where, in the fiscal year ending the 31st day of March, 1978, powers and duties are assigned and transferred from one Minister of the Crown to another Minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by Exception

certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Supply Act, 1978.*

SCHEDULE

Agriculture and Food	$ 2,739,000
Education	107,189,000
Government Services	31,335,000
Northern Affairs	2,500,000
Treasury, Economics and Intergovernmental Affairs	1,500,000
Total	$145,263,000

ASSENTED TO BY LIEUTENANT-GOVERNOR March 16 1978

ASSEMBLY PROROGUED ..... 19 .....

CLERK
LEGISLATIVE ASSEMBLY

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1978

1st Reading

March 16th, 1978

2nd Reading

March 16th, 1978

3rd Reading

March 16th, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

1978

BILL 48 1st Sess. 31st Leg. Legislature

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting Commodity Boards and Marketing Agencies

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 48 **1978**

An Act respecting Commodity Boards and Marketing Agencies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpretation

(*a*) "commodity board" means a local board under *The Farm Products Marketing Act* or a marketing board under *The Milk Act*; R.S.O. 1970, cc. 162, 273

(*b*) "marketing agency" means a marketing agency of Canada that is authorized to exercise powers of regulation in relation to the marketing of a regulated product in interprovincial or export trade and that has been granted authority to regulate the marketing of the regulated product locally within Ontario;

(*c*) "regulated product" means a natural product of agriculture that is regulated by a commodity board or a marketing agency.

2.—(1) The Lieutenant Governor in Council may, by regulation, grant to any commodity board or marketing agency in relation to the marketing of any regulated product locally within Ontario, authority to fix, impose and collect levies or charges from persons engaged in the production or marketing of the whole or any part of the regulated product and for such purpose to classify such persons into groups and fix the levies or charges payable by the members of the different groups in different amounts, and to use such levies or charges for the purposes of such commodity board or marketing agency, including the creation of reserves, the payment of expenses and losses resulting from the sale or disposal of any such regulated product, and the equalization or adjustment among producers of any Lieutenant Governor in Council may grant authority re levies or charges

regulated product of moneys realized from the sale thereof during such period or periods of time as the commodity board or marketing agency may determine.

Regulation may require deduction of levies or charges

(2) The Lieutenant Governor in Council may in a regulation made under subsection 1 require any person who receives a regulated product to deduct from the moneys payable for the regulated product any levies or charges payable to a commodity board or marketing agency by the person from whom he receives the regulated product and to forward such levies or charges to the commodity board or marketing agency or its agent designated for that purpose.

Authority of commodity board or marketing agency to make regulations, etc.

(3) Where the Lieutenant Governor in Council authorizes a commodity board or marketing agency to exercise any of the powers mentioned in subsection 1, the commodity board or marketing agency, in the exercise of such powers, may make regulations or orders or issue directions.

Authority may be revoked

(4) The Lieutenant Governor in Council may, by regulation, revoke any authority granted under subsection 1.

Regulations

3. The Lieutenant Governor in Council may make regulations prescribing the terms and conditions governing the granting and revocation of authority under section 2 and generally may make regulations in respect of any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offence

4.—(1) Every person who fails to comply with or contravenes any of the provisions of any regulation or order made or of any direction issued under this Act is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than $500 and for a subsequent offence to a fine of not more than $5,000.

Onus

(2) In any prosecution or action under this Act, the act or omission complained of, in respect of which the prosecution or action was instituted shall, unless the accused or defendant proves the contrary, be deemed to relate to the marketing of a regulated product locally within Ontario.

Levies or charges deemed validly imposed or collected or may be collected
R.S.C. 1970, c. A-7
1970-71-72, c. 65 (Can.)

5. All levies or charges heretofore imposed or collected by,

(*a*) a commodity board, the Canadian Turkey Marketing Agency or the Canadian Egg Marketing Agency pursuant to or purporting to be pursuant to the *Agricultural Products Marketing Act* (Canada) or the *Farm Products Marketing Agencies Act* (Canada); or

(*b*) after the 19th day of January, 1978, a commodity board, the Canadian Turkey Marketing Agency or the Canadian Egg Marketing Agency,

in respect of regulated products marketed locally within Ontario shall be deemed to have been imposed or collected pursuant to a regulation made under this Act and such levies or charges are hereby declared to have been validly imposed or collected and, where they were imposed but not collected, may be collected as if they had been imposed under this Act.

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. The short title of this Act is *The Commodity Boards and Marketing Agencies Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 20 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

Act respecting
Commodity Boards and Marketing
Agencies

1st Reading

March 30th, 1978

2nd Reading

May 2nd, 1978

3rd Reading

June 19th, 1978

THE HON. W. NEWMAN
Minister of Agriculture and Food

1978

BILL 49

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Act

THE HON. R. MCMURTRY
Attorney General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 49 1978

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as llows:

1.—(1) Subsection 2 of section 368*a* of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1975, chapter 56, section 8, is repealed and the following substituted therefor: s. 368*a* (2), re-enacted

(2) A by-law passed under this section may provide for regulating the placement, construction, size, nature and character of signs, advertising, and advertising devices, including any printed matter, oral or other communication or thing, posted or used for the purpose of promoting body-rub parlours or for the prohibition of such signs, advertising, or advertising devices. Signs, advertising, etc.

(2) Subsection 3 of the said section 368*a* is amended by adding at the commencement thereof "Notwithstanding subsection 6 of section 246". s. 368*a* (3), amended

(3) The said section 368*a* is amended by adding thereto the following subsections: s. 368*a*, amended

(5*a*) A by-law passed under this section may prohibit any person carrying on or engaged in the trade, calling, business or occupation for which a licence is required under this section from permitting any person under the age of eighteen years to enter or remain in the body-rub parlour or any part thereof. Age restriction

(5*b*) For the purpose of any prosecution or proceeding under a by-law passed under this section, the holding out to the public that services described in this section are provided in premises or any part thereof, is admissible in evidence as *prima facie* proof that the premises or part thereof is a body-rub parlour. *Prima facie* proof

Other powers not affected

(5*c*) Nothing in this section affects the power that may b exercised by a municipality under this or any other genera or special Act to license, regulate or govern any othe trade, calling, business or occupation.

s. 368*b*, enacted

2. The said Act is amended by adding thereto the followin section:

Licensing, regulating, etc., adult entertainment parlours

368*b*.—(1) By-laws may be passed by the councils of a municipalities for licensing, regulating, governing, classifyir and inspecting adult entertainment parlours or any class classes thereof and for revoking or suspending any suc licence and for limiting the number of such licences to b granted, in accordance with subsection 3.

Signs, advertising, etc.

(2) A by-law passed under this section may provide f regulating the placement, construction, size, nature ar character of signs, advertising, and advertising device including any printed matter, oral or other communicatic or thing, posted or used for the purpose of promoting adu entertainment parlours or any class or classes thereof for the prohibition of such signs, advertising or advertisir devices.

Defined areas, limitation on numbers

(3) Notwithstanding subsection 6 of section 246, a by-la passed under this section may define the area or areas the municipality in which adult entertainment parlours any class or classes thereof may or may not operate ar may limit the number of licences to be granted in respe of adult entertainment parlours or any class or class thereof in any such area or areas in which they are permitte

Construction and equipment of premises

(4) A by-law passed under this section may provide th no premises in which an adult entertainment parlour located shall be constructed or equipped so as to hinder prevent the enforcement of the by-law.

Entry

(5) Where a medical officer of health or a public heal inspector acting under his direction, or a peace officer, h reason to suspect that a breach of any provision of a by-la passed under this section has occurred in respect of an adu entertainment parlour, he may enter such adult entertai ment parlour, at any time of the night or day, for purpos of carrying out the enforcement of a by-law passed und this section.

Hours of operation

(6) Notwithstanding subsection 2*a* of section 246 a section 355, a by-law passed under this section may regula the hours of operation of adult entertainment parlours any class or classes thereof.

(7) A by-law passed under this section may prohibit any person carrying on or engaged in the trade, calling, business or occupation for which a licence is required under this section from permitting any person under the age of eighteen years to enter or remain in the adult entertainment parlour or any part thereof. Age restriction

(8) By-laws passed under this section do not apply to premises or trades, callings, businesses or occupations carried on in premises licensed under *The Theatres Act* or licensed under *The Liquor Licence Act, 1975* or licensed under a by-law passed under section 368*a* of this Act. Non-application of by-laws R.S.O. 1970, c. 459 1975, c. 40

(9) In this section, Interpretation

(*a*) "adult entertainment parlour" means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations;

(*b*) "goods" includes books, magazines, pictures, slides, film, phonograph records, prerecorded magnetic tape and any other reading, viewing or listening matter;

(*c*) "to provide" when used in relation to goods includes to sell, offer to sell or display for sale, by retail or otherwise such goods, and "providing" and "provision" have corresponding meanings;

(*d*) "to provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;

(*e*) "services" includes activities, facilities, performances, exhibitions, viewings and encounters;

(*f*) "services designed to appeal to erotic or sexual appetites or inclinations" includes,

(i) services of which a principal feature or characteristic is the nudity or partial nudity of any person,

(ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

Prima facie proof

(10) For the purpose of any prosecution or proceedin under a by-law passed under this section, the holding ou to the public that goods or services described in this sectio are provided in premises, or any part thereof, is admissibl in evidence as *prima facie* proof that the premises or par thereof is an adult entertainment parlour.

Other powers not affected

(11) Nothing in this section affects the power that may b exercised by a municipality under this or any other genera or special Act to license, regulate or govern any othe trade, calling, business or occupation.

ss. 466*a*, 470*a*, 470*b*, enacted

3. The said Act is further amended by adding thereto th following sections:

Statement of clerk, etc., as to licensing or non-licensing

466*a*. For the purpose of any prosecution or proceedin under a by-law for licensing, regulating, governing, classify ing or inspecting any trade, calling, business or occupation, statement as to the licensing or non-licensing of any premise or person in respect of any trade, calling, business o occupation, purporting to be signed by the clerk of a muni cipality or of a regional or metropolitan municipality or b the chief administrative officer of a board of commissioner of police or of a licensing commission, is, without proof c the office or signature of the said clerk or officer, receivabl in evidence as *prima facie* proof of the facts stated therei for all purposes in such prosecution or proceeding.

. . . . .

Offence

470*a*.—(1) A by-law passed under section 368*a* or 368 may provide that every person who contravenes the by-law and every director or officer of a corporation who concur in such contravention by the corporation, is guilty of a offence and on summary conviction is liable to a fine no exceeding $10,000 or to imprisonment for a term not ex ceeding one year, or to both.

Corporation, maximum penalty

(2) Where a corporation is convicted of an offence unde subsection 1, the maximum penalty that may be imposed o the corporation is $25,000 and not as provided therein.

Order closing premises

470*b*.—(1) Where a person is convicted of carrying on engaging in, on, in or in respect of any premises or pa thereof, a trade, calling, business or occupation, withou a licence required by a by-law passed under section 368*a* 368*b*, the court shall order that the premises or part there be closed to any use for any period not exceeding tw years.

Idem

(2) Where a person is convicted of a contravention of by-law passed under section 368*a* or 368*b*, other th

carrying on or engaging in a trade, calling, business or occupation without a licence so to do, and the court decides that the owner or other person occupying the premises or part thereof in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the premises or part thereof be closed to any use for any period not exceeding two years.

Suspension of closing order

(3) Upon the application by originating notice of motion of any person who has an interest in the premises ordered closed under subsection 1 or 2 and upon,

(*a*) being satisfied that the use to which the premises will be put will not be in contravention of any by-law passed under section 368*a* or 368*b*; and

(*b*) the posting by the applicant of a cash bond in the sum of $10,000 or such greater sum as the court determines, for such term as the court determines, for the purpose of assuring that the premises will not be used in contravention of any such by-law,

the court may make an order suspending any order made under subsection 1 or 2 for such period and upon such conditions as are specified by the court.

Discharge of closing order

(4) Where, upon application brought by originating notice of motion, the court is satisfied that,

(*a*) there has been or will be a *bona fide* change in effective ownership of the premises subsequent to the commission of an offence described in subsection 1 or 2; and

(*b*) the new owner satisfies the court that he can ensure that there will be no contravention of any by-law passed under section 368*a* or 368*b*,

the court may discharge an order made under subsection 1 or 2.

Barring of entry

(5) Where an order is made under subsection 1 or 2, the police force responsible for policing in the municipality or regional or metropolitan municipality, shall bar entry to all entrances to the premises or part or parts thereof named in the order until the order has been suspended or discharged pursuant to this section.

Forfeiture of bond

(6) Where an order made under subsection 1 or 2 is suspended under subsection 3 and a person is thereafter convicted of an offence for contravention of a by-law passed under section 368*a* or 368*b* in respect of the premises or part thereof referred to in the order, a judge of the county or district court may, upon summary application, order the forfeiture of the bond and the payment to the Crown of the proceeds and may order that the suspension of the order be lifted and that the order be reinstated.

No appeal

(7) No appeal lies from an order made under subsection 6.

Service of notice

(8) The municipality or metropolitan or regional municipality which passed a by-law described in subsection 1 or 2, the contravention of which was the basis for an order made under the provisions of either such subsection, is a party to any proceedings instituted under subsection 3, 4 or 6 in respect of such order, and shall be served in accordance with the rules of the court with a copy of the notice initiating the proceedings.

Where by-law deemed passed by council

(9) For the purposes of subsection 8, where the by-law under which the conviction was made was passed by a board of commissioners of police or by a licensing commission for a municipality, or regional or metropolitan municipality, as the case may be, the by-law shall be deemed to have been passed by the council of the municipality or regional or metropolitan municipality, as the case may be.

Application for suspension or discharge of closing order

(10) Where an appeal is taken from an order made under subsection 1 or 2 or from a conviction in respect of which the order was made, the appellant may apply under subsection 3 for an order suspending the order made under subsection 1 or 2 until the disposition of the matter under appeal, or any person may apply under subsection 4 for a discharge of the order, but the fact that such an appeal is commenced does not stay the order.

Term of closing order

(11) An order made under subsection 1 or 2 shall take effect upon the pronouncement thereof and shall remain in effect during the term of the order, except to the extent that it is suspended pursuant to subsection 3 or until it is discharged pursuant to subsection 4.

Description of premises

(12) The description of any premises or part thereof affected by an order made under subsection 1 or 2 shall be sufficiently made in such order by reference to the municipal address of such premises.

(13) An order made under subsection 1 or 2 may be registered in the land registry office in which the title to the place described in the order is recorded. Registration

(14) In subsections 1 and 2, "court" means a "summary conviction court" or an "appeal court" as defined by *The Summary Convictions Act*, and in subsections 3 and 4, "court" means the county or district court of the county or district in which the premises are situate. Interpretation R.S.O. 1970, c. 450

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is *The Municipal Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipal Act

1st Reading

March 30th, 1978

2nd Reading

April 18th, 1978

3rd Reading

April 25th, 1978

THE HON. R. MCMURTRY
Attorney General

1978

Parl. ins Leg. Leg. S. Ther

BILL 50

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Landlord and Tenant Act

THE HON. R. MCMURTRY
Attorney General

TORONTO
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BILL 50 1978

An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 18 of *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, is amended by inserting after "thereof" in the fourth line "or carries on or engages in, on the demised premises or any part thereof, any trade, calling, business or occupation for which a licence is required under a by-law passed under section 368*a* or 368*b* of *The Municipal Act* for licensing, regulating or governing such trade, calling, business or occupation, except under the authority of a licence issued under such by-law". s. 18 (2), amended

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Landlord and Tenant Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Landlord and Tenant Act

1st Reading

March 30th, 1978

2nd Reading

April 25th, 1978

3rd Reading

April 25th, 1978

THE HON. R. MCMURTRY
Attorney General

1978

Pauline Hy- Hy/S. Hon

BILL 59

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships

THE HON. R. MCMURTRY
Attorney General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 59 **1978**

An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships

WHEREAS, it is desirable to encourage and strengthen the role of the family in society; Preamble

AND WHEREAS for that purpose it is necessary to recognize the equal position of spouses as individuals within marriage and to recognize marriage as a form of partnership;

AND WHEREAS in support of such recognition it is necessary to provide in law for the orderly and equitable settlement of the affairs of the spouses upon the breakdown of the partnership; and to provide for other mutual obligations in family relationships, including the equitable sharing by parents of responsibility for their children:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "child" means a child born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act* (which relate to the effect of adoption), and includes a person whom the parent has demonstrated a settled intention to treat as a child of his or her family, but does not include a child placed in a foster home for consideration by a person having lawful custody; R.S.O. 1970, c. 64

(*b*) "cohabit" means to live together in a conjugal relationship, whether within or outside marriage;

(*c*) "court" means a provincial court (family division), the Unified Family Court, a county or district court or the Supreme Court;

(*d*) "domestic contract" means a domestic contract as defined in Part IV;

(*e*) "parent" means the father or mother of a child, and includes a person who has demonstrated a settled intention to treat a child as a child of his or her family, but does not include a person in whose home a child was placed as a foster child for consideration by a person having lawful custody;

(*f*) "spouse" means either of a man and woman who,

(i) are married to each other,

(ii) are married to each other by a marriage that is voidable and has not been voided by a judgment of nullity, or

(iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabited within the preceding year.

Combining of application

2.—(1) Where, in an application under any provision of this Act, it appears to the court that for the appropriate determination of the affairs of the spouses it is necessary or desirable to have other matters first or simultaneously determined, the court may direct that the application stand over until such other applications are brought or determined as the court considers appropriate.

All proceedings in one court

(2) Except as otherwise provided, where an application is made to a court under this Act, no person who is a party to the proceeding shall make an application under this Act to any other court, but the court may order that the proceedings be transferred to a court having other jurisdiction where, in the opinion of the court, the court having other jurisdiction is more appropriate to determine the matters in issue that should be determined at the same time.

Applications

(3) An application under this Act may be made in the manner prescribed by the rules of the court or in another proceeding.

Capacity of minors

(4) A minor who is a spouse has capacity to commence, conduct and defend a proceeding under this Act without the intervention of a next friend or guardian *ad litem* and give any consent required or authorized by this Act.

Extension of times

(5) The court may extend any time prescribed by this Act where the court is satisfied that,

(*a*) there are *prima facie* grounds for relief;

(*b*) relief is unavailable because of delay that has been incurred in good faith; and

(*c*) no substantial prejudice or hardship will result to any person affected by reason of the delay.

Closed hearings

(6) The court may exclude the public from a hearing, or any part thereof, where, in the opinion of the presiding judge, the desirability of protecting against the consequences of possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public and the court may by order prohibit the publication of any matter connected with the application or given in evidence at the hearing.

Consent orders

(7) Upon the consent of the parties in an application under this Act, the court may make any order that the court is otherwise empowered to make by this Act, subject to the duty of the court to have regard to the best interests of children affected.

Incorporation of contract in order

(8) Any matter provided for in a domestic contract may be incorporated in an order made under this Act.

Act subject to contracts

(9) Where a domestic contract makes provision in respect of a matter that is provided for in this Act, the contract prevails except as otherwise provided in this Act.

Registration of orders

(10) Where an order made under this Act affects real property, the order does not affect the acquisition of an interest in the real property by a person in good faith without notice of the order, unless the order is registered in the proper land registry office.

PART I

FAMILY PROPERTY

Interpretation

3. In this Part,

(*a*) "court" means a court as defined in section 1 but does not include a provincial court (family division);

(*b*) "family assets" means a matrimonial home as determined under Part III and property owned by one spouse or both spouses and ordinarily used or enjoyed by both spouses or one or more of their children while the spouses are residing together for shelter or transportation or for household, educational, recreational, social or aesthetic purposes, and includes,

(i) money in an account with a chartered bank, savings office, credit union or trust company where the account is ordinarily used for shelter or transportation or for household, educational, recreational, social or aesthetic purposes,

(ii) where property owned by a corporation, partnership or trustee would, if it were owned by a spouse, be a family asset, shares in the corporation or an interest in the partnership or trust owned by the spouse having a market value equal to the value of the benefit the spouse has in respect of the property,

(iii) property over which a spouse has, either alone or in conjunction with another person, a power of appointment exercisable in favour of himself or herself, if the property would be a family asset if it were owned by the spouse, and

(iv) property disposed of by a spouse but over which the spouse has, either alone or in conjunction with another person, a power to revoke the disposition or a power to consume, invoke or dispose of the property, if the property would be a family asset if it were owned by the spouse,

but does not include property that the spouses have agreed by a domestic contract is not to be included in the family assets;

(*c*) "property" means real or personal property or any interest therein.

Division of family assets

4.—(1) Subject to subsection 4, where a decree *nisi* of divorce is pronounced or a marriage is declared a nullity or where the spouses are separated and there is no reasonable prospect of the resumption of cohabitation, each spouse is entitled to have the family assets divided in equal shares notwithstanding the ownership of the assets by the spouses as determinable for other purposes and notwithstanding any order under section 7.

Application to court

(2) The court may, upon the application of a person who is the spouse of another, determine any matter respecting the division of family assets between them.

Effect of death of spouse

(3) The rights under subsection 1 are personal as between the spouses but any application commenced under subsection

2 before the death of a spouse may be continued by or against the estate of the deceased spouse.

Variation of division

(4) The court may make a division of family assets resulting in shares that are not equal where the court is of the opinion that a division of the family assets in equal shares would be inequitable, having regard to,

(*a*) any agreement other than a domestic contract;

(*b*) the duration of the period of cohabitation under the marriage;

(*c*) the duration of the period during which the spouses have lived separate and apart;

(*d*) the date when the property was acquired;

(*e*) the extent to which property was acquired by one spouse by inheritance or by gift; or

(*f*) any other circumstance relating to the acquisition, disposition, preservation, maintenance, improvement or use of property rendering it inequitable for the division of family assets to be in equal shares.

Purpose

(5) The purpose of this section is to recognize that child care, household management and financial provision are the joint responsibilities of the spouses and that inherent in the marital relationship there is joint contribution, whether financial or otherwise, by the spouses to the assumption of these responsibilities, entitling each spouse to an equal division of the family assets, subject to the equitable considerations set out in subsections 4 and 6.

Property other than family assets

(6) The court shall make a division of any property that is not a family asset where,

(*a*) a spouse has unreasonably impoverished the family assets; or

(*b*) the result of a division of the family assets would be inequitable in all the circumstances, having regard to,

(i) the considerations set out in clauses *a* to *f* of subsection 4, and

(ii) the effect of the assumption by one spouse of any of the responsibilities set out in subsection 5 on the ability of the other spouse to acquire, manage, maintain, operate or improve property that is not a family asset.

Statement of property

5.—(1) Where an application is made under section 4, each party shall file with the court and serve upon the other a statement verified by oath or statutory declaration disclosing particulars of all property of the party in the manner and form prescribed by the rules of the court.

Order for sealing statement

(2) Where, in the opinion of the court, the public disclosure of any information required to be contained in a statement under subsection 1 would be a hardship on the person giving the statement, the court may order that the statement and any cross-examination upon it before the hearing be treated as confidential and not form part of the public record.

Idem

6. In an application under section 4, the court may order,

(*a*) that the title to any specified property directed to a spouse in the division be transferred to or in trust for or vested in the spouse whether absolutely, for life or for a term of years;

(*b*) the partition or sale of any property;

(*c*) that payment be made out of the proceeds of sale to one or both spouses, and the amount thereof;

(*d*) that any property forming part of the share of either or both spouses be transferred to or in trust for or vested in a child to whom a spouse owes an obligation to provide support;

(*e*) that either or both spouses give security for the performance of any obligation imposed by the order, including a charge on property; and

(*f*) that either spouse pay to the other such sum as is set out in the order for the purpose of adjusting the division,

and may make such other orders or directions as are ancillary thereto.

Determination of questions of title between married persons

7. Any person may apply to the court for the determination of any question between that person and his or her spouse or former spouse as to the ownership or right to possession of any particular property, except where an application or an order has been made respecting the property under section 4 or 6, and the court may,

(*a*) declare the ownership or right to possession;

(*b*) where the property has been disposed of, order payment in compensation for the interest of either party;

(*c*) order that the property be partitioned or sold for the purpose of realizing the interests therein; and

(*d*) order that either or both spouses give security for the performance of any obligation imposed by the order, including a charge on property,

and may make such other orders or directions as are ancillary thereto.

Contribution to property

8. Where one spouse or former spouse has contributed work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of property, other than family assets, in which the other has or had an interest, upon application, the court may by order,

(*a*) direct the payment of an amount in compensation therefor; or

(*b*) award a share of the interest of the other spouse or former spouse in the property appropriate to the contribution,

and the court shall determine and assess the contribution without regard to the relationship of husband and wife or the fact that the acts constituting the contribution are those of a reasonable spouse of that sex in the circumstances. 1975, c. 41, s. 1 (3) (*c*), *amended.*

Interim orders for preservation

9. In or pending an application under section 4, 7 or 8, the court may make such interim order as it considers necessary for restraining the dissipation of the property and for the possession, delivering up, safekeeping and preservation of the property.

Realization of security

10. Where a court orders security for the performance of any obligation under this Part or charges a property therewith, the court may, upon application and notice to all persons having an interest in the property, direct its sale for the purpose of realizing the security or charge.

Presumptions

11.—(1) The rule of law applying a presumption of advancement in questions of the ownership of property as between husband and wife is abolished and in place thereof the rule of law applying a presumption of a resulting trust shall be applied in the same manner as if they were not married, except that,

(*a*) the fact that property is placed or taken in the name of spouses as joint tenants is *prima facie* proof that each spouse is intended to have on a severance of the joint tenancy a one-half beneficial interest in the property; and

(*b*) money on deposit in a chartered bank, savings office, credit union or trust company in the name of both spouses shall be deemed to be in the name of the spouses as joint tenants for the purposes of clause *a*. 1975, c. 41, s. 1 (3) (*d*), *amended*.

Application

(2) Subsection 1 applies notwithstanding that the event giving rise to the presumption occurred before this section comes into force.

Application of Part

12. This Part applies notwithstanding that,

(*a*) the spouses entered into the marriage before this Part comes into force;

(*b*) the property in issue was acquired before this Part comes into force; or

(*c*) a proceeding to determine the rights as between spouses in respect of property has been commenced or adjudicated before this Part comes into force.

Conflict of laws

13.—(1) The division of family assets and the ownership as between spouses of movable property wherever situate are governed by the internal law of the place where both spouses had their last common habitual residence or, where there is no place where the spouses had a common habitual residence, by the law of Ontario.

Idem

(2) The ownership of immovable property as between spouses is governed by the internal law of the place where the land is situated, but where the law of Ontario is applicable respecting the division of family assets, the value of the property may be taken into consideration for the purposes of section 4.

PART II

SUPPORT OBLIGATIONS

Interpretation

14. In this Part,

(*a*) "dependant" means a person to whom another has an obligation to provide support under this Part;

(*b*) "spouse" means a spouse as defined in section 1, and in addition includes,

(i) either of a man and woman not being married to each other who have cohabited,

1. continuously for a period of not less than five years, or

2. in a relationship of some permanence where there is a child born of whom they are the natural parents,

and have so cohabited within the preceding year, and

(ii) either of a man and woman between whom an order for support has been made under this Part or an order for alimony or maintenance has been made before this Part comes into force.

15. Every spouse has an obligation to provide support for himself or herself and for the other spouse, in accordance with need, to the extent that he or she is capable of doing so. **Obligation of spouses for support**

16.—(1) Every parent has an obligation, to the extent the parent is capable of doing so, to provide support, in accordance with need, for his or her child who is unmarried and is under the age of eighteen years. **Obligation of parent to support child**

(2) The obligation under subsection 1 does not extend to a child who, being of the age of sixteen years or over, has withdrawn from parental control. **Idem**

17. Every child who is not a minor has an obligation to provide support, in accordance with need, for his or her parent who has cared for and provided support for the child, to the extent that the child is capable of doing so. **Obligation of child to support parent**

18.—(1) A court may, upon application, order a person to provide support for his or her dependants and determine the amount thereof. **Order for support**

(2) An application for an order for the support of a dependant may be made by the dependant or a parent of the dependant or under subsection 3. **Applicants**

(3) An application for an order for the support of a dependant who is a spouse or a dependent child of the spouse may be made by, **Idem**

(*a*) the Ministry of Community and Social Services in the name of the Minister; or

(*b*) a municipal corporation, including a metropolitan, district or regional municipality, but not including an area municipality thereof,

if the Ministry or municipality is providing a benefit under *The Family Benefits Act* or assistance under *The General Welfare Assistance Act* in respect of the support of the dependant. **R.S.O. 1970, cc. 157, 192**

Setting aside domestic contract

(4) The court may set aside a provision for support in a domestic contract or paternity agreement and may determine and order support in an application under subsection 1 notwithstanding that the contract or agreement contains an express provision excluding the application of this section,

(*a*) where the provision for support or the waiver of the right to support results in circumstances that are unconscionable;

(*b*) where the provision for support is to a spouse who qualifies for an allowance for support out of public money; or

(*c*) where there has been default in the payment of support under the contract or agreement.

Determination of amount

(5) In determining the amount, if any, of support in relation to need, the court shall consider all the circumstances of the parties, including,

(*a*) the assets and means of the dependant and of the respondent and any benefit or loss of benefit under a pension plan or annuity;

(*b*) the capacity of the dependant to provide for his or her own support;

(*c*) the capacity of the respondent to provide support;

(*d*) the age and the physical and mental health of the dependant and of the respondent;

(*e*) the length of time the dependant and respondent cohabited;

(*f*) the needs of the dependant, in determining which the court may have regard to the accustomed standard of living while the parties resided together;

(*g*) the measures available for the dependant to become financially independent and the length of time and cost involved to enable the dependant to take such measures;

(*h*) the legal obligation of the respondent to provide support for any other person;

(*i*) the desirability of the dependant or respondent remaining at home to care for a child;

(*j*) a contribution by the dependant to the realization of the career potential of the respondent;

(*k*) where the dependant is a child, his or her aptitude for and reasonable prospects of obtaining an education;

(*l*) where the dependant is a spouse, the effect on his or her earning capacity of the responsibilities assumed during cohabitation;

(*m*) where the dependant is a spouse, whether the dependant has undertaken the care of a child who is of the age of eighteen years or over and unable by reason of illness, disability or other cause to withdraw from the charge of his or her parents;

(*n*) where the dependant is a spouse, whether the dependant has undertaken to assist in the continuation of a program of education for a child who is of the age of eighteen years or over and unable for that reason to withdraw from the charge of his or her parents;

(*o*) where the dependant is a spouse, any housekeeping, child care or other domestic service performed by the spouse for the family, in the same way as if the spouse were devoting the time spent in performing that service in remunerative employment and were contributing the earnings therefrom to the support of the family; and

(*p*) any other legal right of the dependant to support other than out of public money.

Conduct

(6) The obligation to provide support for a spouse exists without regard to the conduct of either spouse, but the court may in determining the amount of support have regard to a course of conduct that is so unconscionable as to constitute an obvious and gross repudiation of the relationship.

Powers of court

19.—(1) In an application under section 18, the court may order,

(*a*) an amount payable periodically, whether annually or otherwise and whether for an indefinite or limited period, or until the happening of a specified event;

(*b*) a lump sum to be paid or held in trust;

(*c*) any specified property to be transferred to or in trust for or vested in the dependant, whether absolutely, for life or for a term of years;

(*d*) any matter authorized to be ordered under clauses *a* to *d* of subsection 1 of section 45 and subject to subsection 3 thereof;

(*e*) that all or any of the moneys payable under the order be paid into court or to any other appropriate person or agency for the benefit of the dependant;

(*f*) the payment of support to be made in respect of any period before the date of the order;

(*g*) the payment to an agency referred to in subsection 3 of section 18 of any amount in reimbursement for a benefit or assistance referred to therein, including an amount in reimbursement for such benefit or assistance provided before the date of the order;

(*h*) the payment of expenses in respect of the prenatal care and birth of a child;

(*i*) that the obligation and liability for support continue after the death of the respondent and be a debt of his or her estate for such period as is fixed in the order;

R.S.O. 1970, c. 224

(*j*) that a spouse who has a policy of life insurance as defined in Part V of *The Insurance Act* designate the other spouse or a child as the beneficiary irrevocably; and

(*k*) the securing of payment under the order, by a charge on property or otherwise.

Limitation on jurisdiction of family court

(2) A provincial court (family division) shall not make an order under clause *b*, *c*, *j* or *k* of subsection 1 except for the provision of necessaries or preventing the dependant from becoming a public charge.

Interim orders

(3) Where an application is made under section 18, the court may make such interim order as the court considers appropriate.

Assignment of support

(4) An order for support is assignable to an agency referred to in subsection 3 of section 18.

(5) Unless an order to provide support otherwise provides, it terminates upon the death of the person having the obligation to provide support, and the liability for amounts under the order coming due and unpaid in the preceding twelve months is a debt of his or her estate. Termination of support order on death

20.—(1) Where an action for divorce is commenced under the *Divorce Act* (Canada), any application for support or custody under this Part that has not been determined is stayed except by leave of the court. Effect of divorce proceedings R.S.C. 1970, c. D-8

(2) Where a marriage is terminated by a decree absolute of divorce or declared a nullity and the question of support was not judicially determined in the divorce or nullity proceedings, an order for support made under this Part continues in force according to its terms. Idem

21.—(1) Where an order for support has been made or confirmed and where the court is satisfied that there has been a material change in the circumstances of the dependant or the respondent or evidence has become available that was not available on the previous hearing, the court may, upon the application of any person named in the order or referred to in subsection 3 of section 18, discharge, vary or suspend any term of the order, prospectively or retroactively, relieve the respondent from the payment of part or all of the arrears or any interest due thereon and make such other order under section 19 as the court considers appropriate in the circumstances referred to in section 18. Review and variation of orders

(2) An application under subsection 1 shall be made to the court that made the order or to a co-ordinate court in another part of Ontario. Court

(3) No application under subsection 1 shall be made within six months after the making of the order for support or the disposition of any other application under subsection 1 in respect of the same order, except by leave of the court. Limitation on applications for review

(4) This section applies to orders for maintenance or alimony made before this section comes into force or in a proceeding commenced before this section comes into force. Existing orders

22. In or pending an application under section 18 or appearance to a notice under section 28, or where an order for support has been made, the court may make such interim or final order as it considers necessary for restraining the disposition or wasting of assets that would impair or defeat the claim or order for the payment of support. Restraining orders

Statement of financial affairs

23.—(1) Where an application is made under section 18 or 21, each party shall file with the court and serve upon the other a statement verified by oath or statutory declaration disclosing particulars of financial information in the manner and form prescribed by the rules of the court.

Order for sealing statement

(2) Where, in the opinion of the court, the public disclosure of any information required to be contained in a statement under subsection 1 would be a hardship on the person giving the statement, the court may order that the statement and any cross-examination upon it before the hearing be treated as confidential and not form part of the public record.

Absconding respondent or debtor

24. Where an application is made under section 18 or a notice is issued under section 28 and a judge of the court is satisfied that the respondent or debtor is about to leave Ontario, the judge may issue a warrant in the form prescribed by the rules of the court for the arrest of the respondent or debtor.

Provisional orders

25.—(1) Where an application is made under section 18 or 21 in a provincial court (family division) or the Unified Family Court and,

(*a*) the respondent in the application fails to appear;

(*b*) it appears to the court that the respondent resides in a locality in Ontario that is outside the territorial jurisdiction of the court; and

(*c*) in the circumstances of the case, the court is of the opinion that the issues can be adequately determined by proceeding under this section,

the court may proceed in the absence of the respondent and without the statement of the financial affairs of the respondent required by section 23 and in place of a final order may make an order for support that is provisional only and the order has no effect until it is confirmed by the provincial court (family division) or the Unified Family Court in the locality in which the respondent resides.

Transmission for hearing

(2) Where a provisional order is made under subsection 1, the court making the order shall send to the court having jurisdiction in the locality in which the respondent resides copies of such documents and records, certified in such manner, as are prescribed by the rules of the court.

Show cause

(3) The court to which the documents and records are sent under subsection 2 shall cause them to be served upon

the respondent together with a notice to file with the court the statement of financial affairs required by section 23 and to appear and show cause why the provisional order should not be confirmed.

Confirmation of order

(4) At the hearing, the respondent may raise any defence that might have been raised in the original proceedings, but, if on appearing the respondent fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order without variation or with such variation as the court considers proper having regard to all the evidence.

Adjournment for further evidence

(5) Where the respondent appears before the court and satisfies the court that for the purpose of any defence or for the taking of further evidence or otherwise it is necessary to remit the case to the court where the applicant resides, the court may so remit the case and adjourn the proceedings for that purpose.

Where order not confirmed

(6) Where the respondent appears before the court and the court, having regard to all the evidence, is of the opinion that the order ought not to be confirmed, the court shall remit the case to the court that made the order together with a statement of the reasons for so doing, and in that event the court that made the order may dispose of the application in such manner as it considers proper.

Certificates as evidence

(7) A certificate certifying copies of documents or records for the purpose of this section and purporting to be signed by the clerk of the court is, without proof of the office or signature of the clerk, admissible in evidence in a court to which it is transmitted under this section as *prima facie* proof of the authenticity of the copy.

Right of appeal

(8) No appeal lies from a provisional order made under this section, but, where an order is confirmed under this section, the person bound thereby has the same right of appeal as he would have had if the order had been made under section 19.

Access to records

26.—(1) Where it appears to a court that,

(*a*) for the purpose of bringing an application under this Part; or

(*b*) for the purpose of the enforcement of an order for support, custody or access,

the proposed applicant or person in whose favour the order is made has need to learn or confirm the whereabouts

of the proposed respondent or person against whom the order is made, the court may order any person or public agency to provide the court with such particulars of the address as are contained in the records in its custody and the person or agency shall provide to the court such particulars as it is able to provide.

Section binds Crown

(2) This section binds the Crown in right of Ontario.

Enforcement of orders by family court clerk

27.—(1) The clerk of the Unified Family Court or of a provincial court (family division), upon the request of a person entitled to support under an order for support or maintenance enforceable in Ontario or other persons or agency mentioned in subsection 3 of section 18 and upon the filing of such material as is prescribed by the rules of the court may enforce the order.

Powers of court for enforcement

R.S.O. 1970, cc. 439, 97

(2) For the purposes of enforcing an order filed under subsection 1, a provincial court (family division) has the power to issue execution and garnishment in accordance with the rules of the court and section 145 of *The Small Claims Courts Act* and subsection 3 of section 4 of *The Creditors' Relief Act* apply to a garnishment issued by the provincial court (family division).

Crown subject to attachment for support

R.S.O. 1970, c. 365

(3) Notwithstanding section 25 of *The Proceedings Against the Crown Act*, an attachment under subsection 1 of section 30 and any other execution, garnishment or attachment or process in the nature thereof for the payment of an amount owing or accruing under an order for support or maintenance, may be issued against the Crown.

Examination of debtor

28.—(1) Where there is default in payment under an order for support or maintenance, a clerk of the Unified Family Court or a provincial court (family division) may require the debtor, upon notice,

(*a*) to file a statement of financial information referred to in section 23;

(*b*) submit to an examination as to assets and means; and

(*c*) appear before the court to explain the default.

Compelling attendance

(2) If the debtor fails to appear as required after being served with a notice, or if the court is satisfied that the debtor cannot be served or intends to leave Ontario without appearing as required after being served, the court giving the notice may issue a warrant for the arrest of the debtor for the purpose of compelling attendance.

29.—(1) Where the debtor fails to satisfy the court that the default is owing to his or her inability to pay and where the court is satisfied that all other practicable means that are available under this Act for enforcing payment have been considered, the court may, Penalty for default

(*a*) order imprisonment for a term of not more than ninety days to be served intermittently or as ordered by the court; or

(*b*) make such other order as may be made upon summary conviction for an offence that is punishable by imprisonment.

(2) The order for imprisonment under subsection 1 may be made conditional upon default in the performance of a condition set out in the order, including the performance of a community service order. Conditions of sentence

30.—(1) Where the court considers it appropriate in a proceeding under section 28, the court may make an attachment order directing the employer of the debtor to deduct from any remuneration of the debtor due at the time the order is served on the employer or thereafter due or accruing due such amount as is named in the order and to pay the amounts deducted into court, and section 7 of *The Wages Act* does not apply. Attachment of wages R.S.O. 1970, c. 486

(2) Where an application is made under section 21, the court may discharge, vary or suspend any term of an order made under subsection 1. Variation of attachment

(3) An order under subsection 1 has priority over any other seizure or attachment of wages arising before or after the service of the order. Priority of order

31. Where the court considers it appropriate in a proceeding under section 28, the court may order the debtor to give security for the payment of support or may charge any property of the debtor with payment of an amount for the provision of necessaries or preventing the dependant from becoming a public charge. Security for payment

32. Where a court orders security for the payment of support under this Part or charges property therewith, the court may, upon application and notice to all persons having an interest in the property, direct its sale for the purpose of realizing the security or charge. Realization of security

Pledging credit for necessaries

33.—(1) During cohabitation, a spouse has authority to render himself or herself and his or her spouse jointly and severally liable to a third party for necessaries of life, except where the spouse has notified the third party that he or she has withdrawn the authority.

Liability for necessaries of minor

(2) Where a person is entitled to recover against a minor in respect of the provision of necessaries for the minor, each parent who has an obligation to support the minor is liable therefor jointly and severally with the minor.

Recovery between persons jointly liable

(3) Where persons are jointly and severally liable with each other under this section, their liability to each other shall be determined in accordance with their obligation to provide support.

Common law supplanted

(4) The provisions of this section apply in place of the rules of common law by which a wife may pledge the credit of her husband.

Order restraining harassment

34. Upon application, a court may make an order restraining the spouse of the applicant from molesting, annoying or harassing the applicant or children in the lawful custody of the applicant and may require the spouse of the applicant to enter into such recognizance as the court considers appropriate.

Custody of children

35.—(1) Upon application, the court may order that either parent or any person have custody of or access to a child in accordance with the best interests of the child and may at any time alter, vary or discharge the order.

Court

(2) An application to alter, vary or discharge the order shall be made to the court that made the order or to a co-ordinate court in another part of Ontario.

Interim orders

(3) Where an application is made under subsection 1, the court may make such interim order as the court considers appropriate.

Application to orders under R.S.O. 1970, c. 128

(4) This section applies to orders for custody or access made under *The Deserted Wives' and Children's Maintenance Act.*

Appeal from provincial court (family division)

36. An appeal lies from an order of the provincial court (family division) under this Part to the county or district court in the county or district in which the provincial court (family division) is situated.

37.—(1) In addition to its powers in respect of contempt, every provincial court (family division) may punish by fine or imprisonment, or by both, any wilful contempt of or resistance to its process, rules or orders under this Act, but the fine shall not in any case exceed $1,000 nor shall the imprisonment exceed ninety days.

Contempt of orders of provincial court (family division)

(2) An order for imprisonment under subsection 1 may be made conditional upon default in the performance of a condition set out in the order and may provide for the imprisonment to be served intermittently.

Conditions of imprisonment

PART III

MATRIMONIAL HOME

38. In this Part, "property" means real or personal property.

Interpretation

39.—(1) Property in which a person has an interest and that is or has been occupied by the person and his or her spouse as their family residence is their matrimonial home.

Matrimonial home

(2) Subsection 1 applies notwithstanding that its application results in more than one matrimonial home.

More than one matrimonial home

(3) The ownership of a share or shares, or of an interest in a share or shares, of a corporation entitling the owner to the occupation of a housing unit owned by the corporation shall be deemed to be an interest in the unit for the purposes of subsection 1.

Ownership of shares

(4) Where property that includes a matrimonial home is normally used for a purpose other than residential only, the matrimonial home is only such portion of the property as may reasonably be regarded as necessary to the use and enjoyment of the residence.

Residence on farmland, etc.

40.—(1) A spouse is equally entitled to any right of possession of the other spouse in a matrimonial home.

Right to possession

(2) Subject to an order of the court under this or any other Act, and subject to a separation agreement that provides otherwise, a right of a spouse to possession by virtue of subsection 1 ceases upon the spouse ceasing to be a spouse.

Termination of right to possession

Registered designation of matrimonial home

41.—(1) Both spouses may, by instrument in the form prescribed by the regulations, designate any property that is a matrimonial home and, upon the registration of the instrument and while there is a designation made by the spouses under this subsection that is not cancelled, any other property that would qualify as a matrimonial home under section 39 and that is not similarly designated ceases to be a matrimonial home.

Extent of designation

(2) The property that is designated as a matrimonial home under subsection 1 may include any property contiguous to the matrimonial home that is described for the purpose in the instrument.

Cancellation of designation

(3) The designation of a matrimonial home under subsection 1 is cancelled upon the registration or deposit of,

(*a*) an instrument in the form prescribed by the regulations executed by both spouses;

(*b*) a decree absolute of divorce or judgment of nullity;

(*c*) an order under section 45 cancelling the designation; or

(*d*) proof of death of one of the spouses.

Effect of cancellation

(4) Upon the cancellation of the designation of a property under subsection 3, the property ceases to be a matrimonial home under section 39.

Revival of matrimonial homes

(5) Upon there ceasing to be a designation under subsection 1, section 39 applies in respect of property that is a matrimonial home.

Alienation of matrimonial home

42.—(1) No spouse shall dispose of or encumber any interest in a matrimonial home unless,

(*a*) the other spouse joins in the instrument or consents to the transaction;

(*b*) the other spouse has released all rights under this Part by a separation agreement;

(*c*) the transaction is authorized by court order or an order has been made releasing the property as a matrimonial home; or

(*d*) the property is not designated as a matrimonial home under section 41 and an instrument desig-

nating another property as a matrimonial home of the spouses is registered under section 41 and not cancelled.

Setting aside transaction

(2) Where a spouse disposes of or encumbers an interest in a matrimonial home in contravention of subsection 1, the transaction may be set aside on an application under section 44 unless the person holding the interest or encumbrance at the time of the application acquired it for value, in good faith and without notice that the property was at the time of the disposition, agreement or encumbrance a matrimonial home.

Proof that property not a matrimonial home

(3) For the purposes of subsection 2, an affidavit of the person making the disposition or encumbrance,

(*a*) verifying that he or she is not, or was not, a spouse at the time of the disposition or encumbrance;

(*b*) verifying that the property has never been occupied by the person and his or her spouse as their matrimonial home;

(*c*) where the property is not designated under section 41, verifying that an instrument designating another property as a matrimonial home of the person and his or her spouse is registered under section 41 and not cancelled; or

(*d*) verifying that the other spouse has released all rights under this Part by a separation agreement,

shall, unless the person to whom the disposition or encumbrance is made had actual notice to the contrary, be deemed to be sufficient proof that the property is not a matrimonial home.

Liens arising by operation of law

R.S.O. 1970, c. 239

(4) This section does not apply to the acquisition of an interest in property by operation of law or of a lien under section 18 of *The Legal Aid Act*.

Right of redemption and to notice

43.—(1) Where a person is proceeding to realize upon a lien, encumbrance or execution or exercises a forfeiture against property that is a matrimonial home, the spouse who has a right of possession by virtue of section 40 has the same right of redemption or relief against forfeiture as the other spouse has and is entitled to any notice respecting the claim and its enforcement or realization to which the other spouse is entitled.

Service of notice

(2) Any notice to which a spouse is entitled by virtue of subsection 1 shall be deemed to be sufficiently given if served or given personally or by registered mail addressed to the person to whom notice is to be given at his or her usual or last known address or, where none, the address of the matrimonial home, and, where notice is served or given by mail, the service shall be deemed to have been made on the fifth day after the day of mailing.

Effect of payments made by spouse

(3) Where a spouse makes any payment by way of or on account of redemption or relief against forfeiture under the right conferred by subsection 1, the payment shall be applied in satisfaction of the claim giving rise to the lien, encumbrance, execution or forfeiture.

Continuation of proceedings in absence of spouse

(4) Notwithstanding any other Act, where a person who commences a proceeding to realize upon a lien, encumbrance or execution or to exercise a forfeiture does not have sufficient particulars of a spouse entitled under subsection 1 for the purposes of the proceeding, and a notice given under subsection 2 is not responded to, the proceeding may continue in the absence of the spouse and without regard to the interest of the spouse and any final order in the proceeding terminates the rights of the spouse under this section.

Powers of court respecting alienation

44. The court may, on the application of a spouse or person having an interest in property, by order,

(*a*) determine whether or not property is the matrimonial home and, if so, its extent;

(*b*) authorize the disposition or encumbrance of the matrimonial home where the court finds that the spouse whose consent is required,

(i) cannot be found or is not available,

(ii) is not capable of giving or withholding consent, or

(iii) is unreasonably withholding consent,

subject to such terms and conditions including provision of other comparable accommodation or payment in place thereof as the court considers appropriate;

(*c*) dispense with any notice required to be given under section 43; and

(*d*) direct the setting aside of any transaction disposing of or encumbering an interest in the matrimonial home contrary to subsection 1 of section 42 and the revesting of the interest or any part of the interest upon such terms and subject to such conditions as the court considers appropriate.

Order for possession of matrimonial home

45.—(1) Notwithstanding the ownership of a matrimonial home and its contents, and notwithstanding section 40, the court on application may by order,

(*a*) direct that one spouse be given exclusive possession of a matrimonial home or part thereof for life or for such lesser period as the court directs and release any other property that is a matrimonial home from the application of this Part;

(*b*) direct a spouse to whom exclusive possession of a matrimonial home is given to pay such periodic payments to the other spouse as is prescribed in the order;

(*c*) direct that the contents of a matrimonial home, or any part thereof, remain in the home for the use of the person given possession;

(*d*) fix the obligation to repair and maintain the matrimonial home or to pay other liabilities arising in respect thereof;

(*e*) authorize the disposition or encumbrance of the interest of a spouse in a matrimonial home subject to the right to exclusive possession of the other spouse as ordered; and

(*f*) where a false affidavit is given under subsection 3 of section 42, direct,

(i) the person who swore the false affidavit, or

(ii) any person who knew at the time it was sworn that the affidavit was false and who thereafter conveyed the property,

to substitute other real property for the matrimonial home or direct such person to set aside money or security to stand in place thereof subject to such terms and conditions as the court considers appropriate.

Temporary possession

(2) An order may be made under subsection 1 for temporary relief or pending the bringing or disposition of another application under this Act.

Order where no property interest

(3) An order under subsection 1 for exclusive possession may be made only if, in the opinion of the court, other provision for shelter is not adequate in the circumstances or it is in the best interests of a child to do so.

Limitation on jurisdiction of family court

(4) A provincial court (family division) shall not make an order under clause *b* or *d* of section 44 or clause *e* or *f* of subsection 1.

Variation of possessory order

46.—(1) Upon the application of a person named in an order made under clause *a*, *b*, *c* or *d* of subsection 1 of section 45 or the personal representative of such person and where the court is satisfied that there has been a material change in circumstances, the court may discharge, vary or suspend the order.

Variation of conditions of sale

(2) Upon the application of a person who is subject to terms and conditions imposed in an order made under clause *b* of section 44 or his personal representative and where the court is satisfied that the terms and conditions are no longer appropriate, the court may discharge, vary or suspend the terms and conditions.

Interim order for preservation of property

47. In an application under this Part, the court may make such interim order as it considers necessary for the delivering up, safekeeping and preservation of the matrimonial home or its contents.

Registration of order
R.S.O. 1970, cc. 409, 234

48. An order made under this Part is registrable against land under *The Registry Act* and *The Land Titles Act*.

Application of Part

49.—(1) This Part applies to matrimonial homes that are situated in Ontario.

Idem

(2) This Part applies notwithstanding that,

(*a*) the spouses entered into the marriage before this Part comes into force;

(*b*) the matrimonial home was acquired before this Part comes into force; or

(*c*) a proceeding to determine the rights as between spouses in respect of property has been commenced or adjudicated before this Part comes into force.

PART IV

DOMESTIC CONTRACTS

50. In this Part, Interpretation

(*a*) "cohabitation agreement" means an agreement entered into under section 52;

(*b*) "domestic contract" means a marriage contract, separation agreement or cohabitation agreement;

(*c*) "marriage contract" means an agreement entered into under section 51;

(*d*) "separation agreement" means an agreement entered into under section 53.

51.—(1) Two persons may enter into an agreement, before their marriage or during their marriage while cohabiting, in which they agree on their respective rights and obligations under the marriage or upon separation or the annulment or dissolution of the marriage or upon death, including, Marriage contracts

(*a*) ownership in or division of property;

(*b*) support obligations;

(*c*) the right to direct the education and moral training of their children, but not the right to custody of or access to their children; and

(*d*) any other matter in the settlement of their affairs.

(2) Any provision in a marriage contract purporting to limit the rights of a spouse under Part III in respect of a matrimonial home is void. Rights re matrimonial home excepted

52.—(1) A man and a woman who are cohabiting and not married to one another may enter into an agreement in which they agree on their respective rights and obligations during cohabitation, or upon ceasing to cohabit or death, including, Cohabitation agreements

(*a*) ownership in or division of property;

(*b*) support obligations;

(*c*) the right to direct the education and moral training of their children, but not the right to custody of or access to their children; and

(*d*) any other matter in the settlement of their affairs.

Effect of marriage on agreement

(2) Where the parties to an agreement entered into under subsection 1 subsequently marry, the agreement shall be deemed to be a marriage contract.

Separation agreements

53. A man and woman who cohabited and are living separate and apart may enter into an agreement in which they agree on their respective rights and obligations, including,

(*a*) ownership in or division of property;

(*b*) support obligations;

(*c*) the right to direct the education and moral training of their children;

(*d*) the right to custody of and access to their children; and

(*e*) any other matter in the settlement of their affairs.

Form of contract

54.—(1) A domestic contract and any agreement to amend or rescind a domestic contract are void unless made in writing and signed by the persons to be bound and witnessed.

Capacity of minor

(2) A minor who has capacity to contract marriage has capacity to enter into a marriage contract or separation agreement that is approved by the court, whether the approval is given before or after the contract is entered into.

Agreement on behalf of mentally incompetent

(3) The committee of a person who is mentally incompetent or, if the committee is the spouse of such person or, if there is no committee, the Public Trustee may, subject to the approval of the court, enter into a domestic contract or give any waiver or consent under this Act on behalf of the mentally incompetent person.

Contracts subject to best interests of child

55.—(1) In the determination of any matter respecting the support, education, moral training or custody of or access to a child, the court may disregard any provision of a domestic contract pertaining thereto where, in the opinion of the court, to do so is in the best interests of the child.

Dum casta clauses

(2) A provision in a separation agreement or a provision in a marriage contract to take effect on separation whereby any right of a spouse is dependent upon remaining chaste is void, but this subsection shall not be construed to affect a contingency upon remarriage or cohabitation with another.

(3) A provision in a separation agreement made before this section comes into force whereby any right of a spouse is dependent upon remaining chaste shall be given effect as a contingency upon remarriage or cohabitation with another. Idem

56. Where a domestic contract provides that specific gifts made to one or both parties are not disposable or encumberable without the consent of the donor, the donor shall be deemed to be a party to the contract for the purpose of the enforcement or any amendment of the provision. Rights of donors of gifts

57. The manner and formalities of making a domestic contract and its essential validity and effect are governed by the proper law of the contract, except that, Contracts made outside Ontario

(*a*) a contract for which the proper law is that of a jurisdiction other than Ontario, is also valid and enforceable in Ontario if entered into in accordance with the internal law of Ontario;

(*b*) subsection 4 of section 18 and section 55 apply in Ontario to contracts for which the proper law is that of a jurisdiction other than Ontario; and

(*c*) a provision in a marriage contract or cohabitation agreement respecting the right to custody of or access to children is not valid or enforceable in Ontario.

58.—(1) Where a man and a woman who are not spouses enter into an agreement for, Paternity agreements

(*a*) the payment of the expenses of prenatal care and birth in respect of a child;

(*b*) support of a child; or

(*c*) burial expenses of the child or mother,

on the application of a party to the agreement or a children's aid society made to a provincial court (family division) or the Unified Family Court, the court may incorporate the agreement in an order, and Part II applies to the order in the same manner as if it were an order for support made under that Part.

(2) Where an application is made under subsection 1 and a judge of the court is satisfied that the respondent is about to leave Ontario, the judge may issue a warrant in the Absconding respondent

form prescribed by the rules of the court for the arrest of the respondent.

Capacity of a minor

(3) A minor who has capacity to contract marriage has capacity to enter into an agreement under subsection 1 that is approved by the court, whether the approval is given before or after the agreement is entered into.

Application to pre-existing agreements

(4) This section applies to agreements referred to in subsection 1 that were made before this Part comes into force.

Application of Act to pre-existing contracts

59.—(1) A separation agreement or marriage contract validly made before this Part comes into force shall be deemed to be a domestic contract for the purposes of this Act.

Contracts entered into before Part comes into force

(2) Where a domestic contract is entered into in accordance with this Part before this Part comes into force and,

(*a*) the contract or any part would be valid if entered into after this Part comes into force; and

(*b*) the contract or part is entered into in contemplation of the coming into force of this Part,

the contract or part is not invalid for the reason only that it was entered into before this Part comes into force.

Idem

(3) Where pursuant to an understanding or agreement entered into before this Part comes into force by spouses who are living separate and apart, property is transferred, between them, the transfer is effective as if made pursuant to a domestic contract.

PART V

DEPENDANTS' CLAIM FOR DAMAGES

Right of dependants to sue in tort

60.—(1) Where a person is injured or killed by the fault or neglect of another under circumstances where the person is entitled to recover damages, or would have been entitled if not killed, the spouse, as defined in Part II, children, grandchildren, parents, grandparents, brothers and sisters of the person are entitled to recover their pecuniary loss resulting from the injury or death from the person from whom the person injured or killed is entitled to recover or would have been entitled if not killed, and to maintain an action for the purpose in a court of competent jurisdiction. R.S.O. 1970, c. 164, s. 3 (1), *amended*.

Damages in case of injury

(2) The damages recoverable in a claim under subsection 1 may include,

(*a*) actual out-of-pocket expenses reasonably incurred for the benefit of the injured person;

(*b*) a reasonable allowance for travel expenses actually incurred in visiting the injured person during his treatment or recovery;

(*c*) where, as a result of the injury, the claimant provides nursing, housekeeping or other services for the injured person, a reasonable allowance for loss of income or the value of the services; and

(*d*) an amount to compensate for the loss of guidance, care and companionship that the claimant might reasonably have expected to receive from the injured person if the injury had not occurred.

Contributory negligence

(3) In an action under subsection 1, the right to damages is subject to any apportionment of damages due to contributory fault or neglect of the person who was injured or killed. *New.*

One action and limitation of actions

(4) Not more than one action lies under subsection 1 for and in respect of the same occurrence, and no such action shall be brought after the expiration of two years from the time the cause of action arose. R.S.O. 1970, c. 164, s. 5; 1975, c. 38, s. 1.

Executor to sue where death

61.—(1) An action under subsection 1 of section 60 in respect of a person who is killed shall be commenced by and in the name of the executor or administrator of the deceased for the benefit of the persons entitled to recover under subsection 1 of section 60. R.S.O. 1970, c. 164, s. 3, *part, amended.*

When action may be brought by persons beneficially interested

(2) If there is no executor or administrator of the deceased, or if there is an executor or administrator and no such action is, within six months after the death of the deceased, brought by the executor or administrator, the action may be brought by all or any of the persons for whose benefit the action would have been if it had been brought by the executor or administrator.

Regulations and procedure in such case

(3) Every action so brought is for the benefit of the same persons and is subject to the same regulations and procedure, as nearly as may be, as if it were brought by the executor or administrator. R.S.O. 1970, c. 164, s. 7.

Joining claims

62.—(1) Where an action is commenced under section 60, the plaintiff shall, in his statement of claim, name and join the claim of any other person who is entitled to main-

tain an action under section 60 in respect of the same injury or death and thereupon such person becomes a party to the action.

Affidavit

(2) A person who commences an action under section 60 shall file with the statement of claim an affidavit stating that to the best of his knowledge, information and belief the persons named in the statement of claim are the only persons who are entitled or claim to be entitled to damages under section 60. R.S.O. 1970, c. 164, s. 6 (1, 2), *amended*.

How money may be paid into court

63.—(1) The defendant may pay into court one sum of money as compensation for his fault or neglect to all persons entitled to compensation without specifying the shares into which it is to be divided. R.S.O. 1970, c. 164, s. 4.

Apportionment

(2) Where the compensation has not been otherwise apportioned, a judge may, upon application, apportion it among the persons entitled.

When payment may be postponed

(3) The judge may in his discretion postpone the distribution of money to which minors are entitled and may direct payment from the undivided fund. R.S.O. 1970, c. 164, s. 8.

Assessment of damages, insurance

64.—(1) In assessing the damages in an action brought under this Part, the court shall not take into account any sum paid or payable as a result of the death or injury under a contract of insurance.

Funeral expenses

(2) For the purposes of this Part, damages may be awarded for reasonable expenses actually incurred for the burial of the person in respect of whose death the action is brought. R.S.O. 1970, c. 164, s. 3 (2, 3), *amended*.

PART VI

AMENDMENTS TO THE COMMON LAW AND STATUTE LAW

Unity of legal personality abolished

65.—(1) For all purposes of the law of Ontario, a married man has a legal personality that is independent, separate and distinct from that of his wife and a married woman has a legal personality that is independent, separate and distinct from that of her husband.

Capacity of married person

(2) A married person has and shall be accorded legal capacity for all purposes and in all respects as if such person were an unmarried person. 1975, c. 41, s. 1 (1, 2).

Idem

(3) Without limiting the generality of subsections 1 and 2,

(*a*) each of the parties to a marriage has the like right of action in tort against the other as if they were not married;

(*b*) a married woman is capable of acting as guardian *ad litem* or next friend as if she were an unmarried woman; 1975, c. 41, s. 1 (3), *part*.

(*c*) the same rules shall be applied to determine the domicile of a married woman as for a married man.

Purpose of subss. 1, 2

(4) The purpose of subsections 1 and 2 is to make the same law apply, and apply equally, to married men and married women and to remove any difference therein resulting from any common law rule or doctrine, and subsections 1 and 2 shall be so construed. 1975, c. 41, s. 1 (4).

Actions between parent and child

66. No person shall be disentitled from bringing an action or other proceeding against another for the reason only that they stand in the relationship of parent and child. 1975, c. 41, s. 3.

Recovery for prenatal injuries

67. No person shall be disentitled from recovering damages in respect of injuries incurred for the reason only that the injuries were incurred before his birth. 1975, c. 41, s. 4.

Domicile of minors

68.—(1) Subject to subsection 2, a child who is a minor,

(*a*) takes the domicile of his or her parents, where both parents have a common domicile;

(*b*) takes the domicile of the parent with whom the child habitually resides, where the child resides with one parent only;

(*c*) takes the domicile of the father, where the domicile of the child cannot be determined under clause *a* or *b*; or

(*d*) takes the domicile of the mother, where the domicile of the child cannot be determined under clause *c*.

Idem

(2) The domicile of a minor who is or has been a spouse shall be determined in the same manner as if the minor were of full age.

Criminal conversation abolished

69.—(1) No action shall be brought for criminal conversation or for any damages resulting therefrom or from adultery.

Enticement and harbouring of spouse abolished

(2) No action shall be brought by a married person for the enticement or harbouring of the spouse of such person or for any damages resulting therefrom.

Loss of consortium abolished

(3) No action shall be brought by a married person for the loss of the consortium of his or her spouse or for any damages resulting therefrom.

Enticement, harbouring, seduction, loss of services of child abolished

(4) No action shall be brought by a parent for the enticement, harbouring, seduction or loss of services of his or her child or for any damages resulting therefrom.

R.S.O. 1970, c. 428; 1971, c. 98, Sched., par. 30, repealed

(5) *The Seduction Act*, being chapter 428 of the Revised Statutes of Ontario, 1970 and paragraph 30 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed.

R.S.O. 1970, c. 228, s. 59, amended

(6) Section 59 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is amended by striking out "criminal conversation, seduction" in the first line.

Dower abolished

70.—(1) The common law right of a widow to dower is hereby abolished.

R.S.O. 1970, c. 135; 1971, c. 98, Sched., par. 11, repealed

(2) *The Dower Act*, being chapter 135 of the Revised Statutes of Ontario, 1970, and paragraph 11 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed.

R.S.O. 1970, c. 152, s. 28 (2), repealed

(3) Subsection 2 of section 28 of *The Execution Act*, being chapter 152 of the Revised Statutes of Ontario, 1970, is repealed.

Vested right to dower

(4) Subsections 1, 2 and 3 do not apply in respect of a right to dower that has vested before subsections 1 and 2 come into force.

Refund of indemnity held by accountant for dower

(5) Where money has been paid into court as an indemnity in respect of a right to dower that has not vested before this section comes into force, the husband of the person in respect of whose dower right the money was paid into court is entitled to be paid the money upon application to the accountant of the court, without order.

Alimony abolished

71.—(1) The right of a married woman to alimony under any law existing before this section comes into force is hereby abolished.

(2) Where an action for alimony is commenced before subsection 1 comes into force and no evidence has been heard in the action before this Act comes into force, other than in respect of an interim order, the action shall be deemed to be an application under Part II subject to such directions as the court considers appropriate. Continuation of action commenced

72. This Act applies to persons whose marriage was actually or potentially polygamous if the marriage was celebrated in a jurisdiction whose system of law recognizes the marriage as valid. Polygamous marriages

73.—(1) Subsection 4 of section 27 of *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970, is amended by striking out "*The Deserted Wives' and Children's Maintenance Act*" and inserting in lieu thereof "Part II of *The Family Law Reform Act, 1978*". R.S.O. 1970, c. 64, s. 27 (4), amended

(2) Part III of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, Schedule, paragraph 6, sub-paragraph ii, 1972, chapter 109, section 6, 1973, chapter 75, section 5 and 1975, chapter 1, sections 25, 26, 27 and 28, is repealed. Part III, repealed

74. *The Children's Maintenance Act*, being chapter 67 of the Revised Statutes of Ontario, 1970 and subsection 2 of section 18 of *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed. R.S.O. 1970, c. 67; 1971, c. 98, s. 18 (2), repealed

75. Section 4 of *The Creditors Relief Act*, being chapter 97 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: R.S.O. 1970, c. 97, s. 4 (9), amended

(9) This section does not apply to an attachment made under section 30 of *The Family Law Reform Act, 1978*. 1978, c. ... exempted

76. *The Deserted Wives' and Children's Maintenance Act*, being chapter 128 of the Revised Statutes of Ontario, 1970, subsection 1 of section 18 of *The Age of Majority and Accountability Act, 1971*, being chapter 98, and *The Deserted Wives' and Children's Maintenance Amendment Act, 1973*, being chapter 133, are repealed. R.S.O. 1970, c. 128, 1971, c. 98, s. 18 (1); 1973, c. 133, repealed

77. Section 9 of *The Employment Standards Act, 1974*, being chapter 112, is repealed and the following substituted therefor: 1974, c. 122, s. 9, re-enacted

9. No employer shall dismiss or suspend an employee on the ground that garnishment proceedings are or Garnishment or attachment of wages

1978, c. ...

may be taken against the employee or that an attachment order under section 30 of *The Family Law Reform Act, 1978* has been or may be made against the employee.

1975, c. 41, ss. 1-4, repealed

78. Sections 1, 2, 3 and 4 of *The Family Law Reform Act, 1975*, being chapter 41, are repealed.

R.S.O. 1970, c. 164; 1973, c. 16; 1975, c. 38, repealed

79. *The Fatal Accidents Act*, being chapter 164 of the Revised Statutes of Ontario, 1970, *The Fatal Accidents Amendment Act, 1973*, being chapter 16, and *The Fatal Accidents Amendment Act, 1975*, being chapter 38, are repealed.

R.S.O. 1970, c. 222, amended

80.—(1) *The Infants Act*, being chapter 222 of the Revised Statutes of Ontario, 1970, is amended by striking out,

(*a*) subsection 4, subsection 4*a*, as enacted by the Statutes of Ontario, 1971, chapter 98, section 18, and subsection 5 of section 1;

(*b*) subsection 2 of section 2;

(*c*) sections 10, 13 and 14; and

(*d*) section 15, as re-enacted by the Statutes of Ontario, 1971, chapter 98, section 16.

1971, c. 98, s. 18 (3), Sched., par. 14, subpar. i, repealed

(2) *The Age of Majority and Accountability Act, 1971*, being chapter 98, is amended by striking out,

(*a*) section 16;

(*b*) subsection 3 of section 18; and

(*c*) subparagraph i of paragraph 14 of the Schedule.

R.S.O. 1970, c. 228, s. 81, repealed

81.—(1) Subject to subsection 2, section 81 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is repealed.

Continuance for existing judgments

(2) The provision repealed by subsection 1 remains in force in respect of a judgment for alimony in an action commenced before this section comes into force.

s. 118 (3), amended

(3) Subsection 3 of section 118 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 30, section 7, is further amended by striking out "alimony or for the main-

tenance or custody of children is joined with" in the amendment of 1975 and inserting in lieu thereof "other relief is joined in".

82. Sections 1 and 12 of *The Married Women's Property Act*, being chapter 262 of the Revised Statutes of Ontario, 1970, are repealed. R.S.O. 1970, c. 262, ss. 1, 12, repealed

83. Sections 1, 2, 3, 4 and 5, subsection 6 of section 6 and section 8 of *The Matrimonial Causes Act*, being chapter 265 of the Revised Statutes of Ontario, 1970 and subsection 4 of section 18 of *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed. R.S.O. 1970, c. 265, ss. 1-5, 6 (6), 8; 1971, c. 98, s. 18 (4), repealed

84. *The Parents' Maintenance Act*, being chapter 336 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 336, repealed

85. Section 24 of *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970 is amended by adding thereto the following subsection: R.S.O. 1970, c. 342, s. 24, amended

(2) Subsection 1 does not apply to the execution, seizure or attachment of moneys payable under a pension plan in satisfaction of an order for support under *The Family Law Reform Act, 1978*. Application of subs. 1 1978, c. ...

86.—(1) Subject to subsection 2, section 25 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 369, s. 25, repealed

(2) Every order or judgment filed under section 25 of *The Provincial Courts Act* before subsection 1 comes into force shall be deemed to have been filed under section 27 of this Act with the request therein mentioned. Transition for existing orders R.S.O. 1970, c. 369

87.—(1) *The Reciprocal Enforcement of Maintenance Orders Act*, being chapter 403 of the Revised Statutes of Ontario, 1970, is amended by striking out "summons" in each case where it appears and inserting in lieu thereof "notice of application". R.S.O. 1970, c. 403, amended

(2) Subsection 3 of section 2 of the said Act is amended by striking out "*The Deserted Wives' and Children's Maintenance Act*" and inserting in lieu thereof "Part II of *The Family Law Reform Act, 1978*". Idem s. 3 (2), amended

88. Section 4 of *The Statute of Frauds*, being chapter 444 of the Revised Statutes of Ontario, 1970, is amended by R.S.O. 1970, c. 444, s. 4, amended

striking out "any agreement made upon consideration of marriage, or upon" in the fifth and sixth lines.

Application of ss. 69, 73, 74, 76, 79, 80, 82, 83 and 84

89. Sections 69, 73, 74, 76, 79, 80, 82, 83 and 84 apply in all cases when they come into force except in cases where an action or proceeding was commenced under the abolished, repealed or amended provision before that date.

GENERAL

Regulations

90. The Lieutenant Governor in Council may make regulations respecting any matter required to be or referred to as prescribed by the regulations.

Commencement

91. This Act comes into force on the 31st day of March, 1978.

Short title

92. The short title of this Act is *The Family Law Reform Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR March 16 1978

ASSEMBLY PROROGUED ..... 19...

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships

---

1st Reading

February 21st, 1978

2nd Reading

February 21st, 1978

3rd Reading

March 16th, 1978

THE HON. R. MCMURTRY
Attorney General

1978

Pauline Leg. Leg. S. Thos

BILL 60

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Retail Sales Tax Act

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 60 1978

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3*a* of section 2 of *The Retail Sales Tax Act*, being chapter 415 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1975, chapter 9, section 2, is repealed and the following substituted therefor: s. 2 (3*a*), re-enacted

(3*a*) Notwithstanding subsections 1, 3 and 11, during the period commencing on the 11th day of April, 1978 and ending with the 7th day of October, 1978, the tax imposed by subsections 1, 3 and 11 shall be at the rate of 4 per cent of the fair value of the tangible personal property or taxable service respectively made liable to tax under the said subsections during such period. Temporary reduction of tax under subss. 1, 3, 11

(3*b*) Notwithstanding subsection 2 but subject to subsection 3*c*, during the period commencing on the 11th day of April, 1978 and ending with the 7th day of October, 1978, the tax imposed by subsection 2 shall be at the rate of 7 per cent of the fair value of liquor, beer or wine and prepared meals sold at a price of over $6.00 made liable to tax under the said subsection during such period. Temporary reduction of tax under subs. 2

(3*c*) Subsection 3*b* does not apply to liquor, beer or wine sold through, Non-application of subs. 3*b*

(*a*) a government store established or authorized by the Liquor Control Board of Ontario under *The Liquor Control Act, 1975*; or 1975, c. 27

(*b*) any establishment authorized under clause *e* of section 3 of *The Liquor Control Act, 1975* to sell beer or Ontario wine.

Commencement

2. This Act shall be deemed to have come into force on the 11th day of April, 1978.

Short title

3. The short title of this Act is *The Retail Sales Tax Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Retail Sales Tax Act

1st Reading

April 11th, 1978

2nd Reading

May 2nd, 1978

3rd Reading

May 2nd, 1978

THE HON. L. MAECK
Minister of Revenue

1978

BILL 61

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Income Tax Act

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 61 **1978**

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsections: s. 3, amended

(2*a*) In addition to the tax payable under subsections 1 and 2, an individual, other than a trust, who resided in Ontario on the 31st day of December, 1978 shall pay a tax for the 1978 taxation year equal to the amount deductible by him pursuant to any provision of the Federal Act based on paragraph 13 of the Notice of Ways and Means Motion to Amend the *Income Tax Act* (Canada) tabled in the House of Commons on April 10th, 1978. Federal abatement

(2*b*) The tax payable under subsection 2*a* shall not be taken into consideration in determining the payments required to be made by section 11 or 12 or in determining any payment or deduction authorized by section 6*b*. Instalment payments not affected

2. Subsection 1 of section 27 of the said Act is amended by adding thereto the following clauses: s. 27 (1), amended

(*ba*) providing for the calculation of the "federal share of the costs of the 1978 Economic Stimulation Program" for the purposes of section 48*a*;

(*bb*) providing for the calculation of the adjusting payment under subsection 4 of section 48*a*; and

. . . . .

3. The said Act is amended by adding thereto the following section: s. 48*a*, enacted

Authority to collect tax

48*a*.—(1) Where a collection agreement is entered into pursuant to section 48, the Government of Canada may collect the tax payable under subsection 2*a* of section 3 on behalf of Ontario.

Authority to make adjusting payment

(2) Where the aggregate of payments made to Ontario pursuant to subsection 1 exceeds the "federal share of the costs of the 1978 Economic Stimulation Program", as prescribed, the Treasurer may make an adjusting payment which shall be paid out of the Consolidated Revenue Fund to the Government of Canada.

Idem

(3) Where a collection agreement is entered into, the whole or any part of the amount of an adjusting payment that may be made pursuant to subsection 2 may be recovered by the Government of Canada in accordance with the terms and conditions contained in the collection agreement providing for the recovery of any amount received by Ontario in excess of the amount to which it is entitled.

Calculation of adjusting payment

(4) The amount of the adjusting payment to be made under subsection 2 shall be the amount calculated in the prescribed manner by which the aggregate of payments made to Ontario pursuant to subsection 1 exceeds the "federal share of the costs of the 1978 Economic Stimulation Program".

Commencement

4. This Act shall be deemed to have come into force on the 11th day of April, 1978.

Short title

5. The short title of this Act is *The Income Tax Amendment Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Income Tax Act

1st Reading

April 11th, 1978

2nd Reading

May 2nd, 1978

3rd Reading

May 2nd, 1978

THE HON. L. MAECK
Minister of Revenue

1978

BILL 66

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to provide for Municipal Hydro-Electric Service in The Regional Municipality of York

THE HON. R. BAETZ
Minister of Energy

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 66 **1978**

An Act to provide for Municipal Hydro-Electric Service in The Regional Municipality of York

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

(*b*) "area municipality" has the same meaning as in *The Regional Municipality of York Act*; R.S.O. 1970, c. 408

(*c*) "hydro-electric commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area within the meaning of *The Regional Municipality of York Act* immediately before the coming into force of this Act and established or deemed to be established under Part III of *The Public Utilities Act*; R.S.O. 1970, c. 390

(*d*) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(*e*) "power" means electrical power and includes electrical energy;

(*f*) "regulations" means the regulations made under this Act;

(*g*) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions established

2.—(1) On the day this Act comes into force, a hydro-electric commission for each of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville, the Township of Georgina and the Township of King is hereby established, and each commission shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

R.S.O. 1970, cc. 390, 354

Composition, Aurora Hydro-Electric Commission

(2) The commission for the Town of Aurora established by subsection 1 shall be known as the Aurora Hydro-Electric Commission and shall consist of the mayor of the Town of Aurora and two additional members who are qualified electors under *The Municipal Elections Act, 1977* in the Town of Aurora.

1977, c. 62

Composition, Markham Hydro-Electric Commission

(3) The commission established for the Town of Markham by subsection 1 shall be known as the Markham Hydro-Electric Commission and shall consist of the mayor of the Town of Markham and four additional members who are qualified electors under *The Municipal Elections Act, 1977* in the Town of Markham.

Composition, Newmarket Hydro-Electric Commission

(4) The commission established for the Town of Newmarket by subsection 1 shall be known as the Newmarket Hydro-Electric Commission and shall consist of the mayor of Newmarket and four additional members who are qualified electors under *The Municipal Elections Act, 1977* in the Town of Newmarket.

Composition, Richmond Hill Hydro-Electric Commission

(5) The commission established for the Town of Richmond Hill by subsection 1 shall be known as the Richmond Hill Hydro-Electric Commission and shall consist of the mayor of the Town of Richmond Hill and four additional members who are qualified electors under *The Municipal Elections Act, 1977* in the Town of Richmond Hill.

Composition, Vaughan Hydro-Electric Commission

(6) The commission established for the Town of Vaughan by subsection 1 shall be known as the Vaughan Hydro-Electric Commission and shall consist of the mayor of the Town of Vaughan and four additional members who are

qualified electors under *The Municipal Elections Act, 1977* in the Town of Vaughan. 1977, c. 62

(7) The commission established for the Town of Whitchurch-Stouffville by subsection 1 shall be known as the Whitchurch-Stouffville Hydro-Electric Commission and shall consist of the mayor of the Town of Whitchurch-Stouffville and two additional members who are qualified electors under *The Municipal Elections Act, 1977* in the Town of Whitchurch-Stouffville. Composition, Whitchurch-Stouffville Hydro-Electric Commission

(8) The commission established for the Township of Georgina under subsection 1 shall be known as the Georgina Hydro-Electric Commission and shall consist of the mayor of the Township of Georgina and two additional members who are qualified electors under *The Municipal Elections Act, 1977* in the Township of Georgina. Composition, Georgina Hydro-Electric Commission

(9) The commission established for the Township of King by subsection 1 shall be known as the King Hydro-Electric Commission and shall consist of the mayor of the Township of King and two additional members who are qualified electors under *The Municipal Elections Act, 1977* in the Township of King. Composition, King Hydro-Electric Commission

(10) For the term expiring with the 30th day of November, 1980, the two additional members of each of the Aurora Hydro-Electric Commission, the Georgina Hydro-Electric Commission, the King Hydro-Electric Commission, and the Whitchurch-Stouffville Hydro-Electric Commission established by subsection 1 shall be appointed by the council of the area municipality served by each of the commissions, and at least one of the additional members shall be appointed from among the members of the hydro-electric commissions that supplied power within the area municipality immediately before the coming into force of this Act. Additional members of first commissions of Aurora, Georgina, King, Whitchurch-Stouffville

(11) For the term expiring with the 30th day of November, 1980, the four additional members of the Markham Hydro-Electric Commission established by subsection 1 shall be appointed by the council of the Town of Markham and, Additional members of first commission, Markham

(*a*) two of them shall be appointed from among the members of the Public Utilities Commission of the Town of Markham immediately before the coming into force of this Act; and

(*b*) two of them shall be persons who reside outside the area supplied with power by the Public Utilities

Commission of the Town of Markham immediately before the coming into force of this Act.

Additional members of first commission, Newmarket

(12) For the term expiring with the 30th day of November, 1980, the four additional members of the Newmarket Hydro-Electric Commission established by subsection 1 shall be appointed by the council of the Town of Newmarket and,

(*a*) one of them shall be appointed from among the members of the Hydro-Electric Commission of the Town of Newmarket immediately before the coming into force of this Act; and

(*b*) two of them shall be persons who reside outside the area supplied with power by the Hydro-Electric Commission of the Town of Newmarket immediately before the coming into force of this Act.

Additional members of first commission, Richmond Hill

(13) For the term expiring with the 30th day of November, 1980, the four additional members of the Richmond Hill Hydro-Electric Commission established by subsection 1 shall be appointed by the council of the Town of Richmond Hill and,

(*a*) two of them shall be appointed from among the members of the Hydro-Electric Commission of the Town of Richmond Hill immediately before the coming into force of this Act;

(*b*) one of them shall be appointed from among the members of the Hydro-Electric Commission of the Township of Vaughan immediately before the coming into force of this Act; and

(*c*) one of them shall be a person who resides in the area supplied with power by Ontario Hydro immediately before the coming into force of this Act.

Additional members of first commission, Vaughan

(14) For the term expiring with the 30th day of November, 1980, the four additional members of the Vaughan Hydro-Electric Commission established by subsection 1 shall be appointed by the council of the Town of Vaughan and,

(*a*) two of them shall be appointed from among the members of the Hydro-Electric Commission of the Township of Vaughan immediately before the coming into force of this Act; and

(*b*) one of them shall be appointed from among the members of the Hydro-Electric Commission of the

Village of Woodbridge immediately before the coming into force of this Act.

(15) For terms commencing after the 30th day of November, 1980, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1980 the council of the area municipality provides by by-law that the additional members shall be appointed by the council. **Additional members of subsequent commissions**

(16) Members of the council of the area municipality served by a commission established by subsection 1 appointed as members of the commission shall not form a majority of the commission. **Members of council not to form majority of commission**

(17) A member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed. **Term of office**

(18) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. **Delegates**

(19) The salary of the members of the commissions established by subsection 1 for the term expiring with the 30th day of November, 1980, shall be fixed on or before the 1st day of November, 1978 in an amount that does not exceed the highest salary paid to members of the hydro-electric commissions operating in the Regional Area within the meaning of *The Regional Municipality of York Act* on the 1st day of January, 1978. **Salary of first commissions** **R.S.O. 1970, c. 408**

(20) A resignation from the council of a member of a council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the commission and the council. **Resignation**

(21) After the 1st day of January, 1980, the council of the area municipality may, by by-law, determine whether a commission established by subsection 1 shall consist of three or five members. **When area municipality to determine size of commission**

3.—(1) Notwithstanding subsection 3 of section 4, the council of an area municipality that is not served by a commission established under section 2, with the consent of Ontario Hydro, may establish by by-law a hydro-electric commission for the area municipality. **Establishment of commission by by-law**

Nature of commission

R.S.O. 1970, cc. 390, 354

(2) The commission established under subsection 1 shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

Composition

(3) The commission established under subsection 1 shall be known as the "Hydro-Electric Commission of....." and shall consist of the mayor of the area municipality and two additional members who shall be qualified electors under *The Municipal Elections Act, 1977* in the area municipality.

1977, c. 62

Term of office

(4) The term of office of the members of the commission established under subsection 1 shall be the same as the term of office of the council of the area municipality.

First additional members

(5) The first additional members of the commission shall be appointed by the council of the area municipality.

Subsequent additional members

(6) For terms after the first term, the additional members of the commission shall be elected by a general vote of the electors of the area municipality unless, before the completion of the first term of office of the members of the commission, the council of the area municipality provides by by-law that the additional members shall be appointed by the council.

Application of other sections of Act

(7) Upon the establishment of the commission under subsection 1,

(*a*) subsections 16, 17, 18, 20 and 21 of section 2 shall apply, with necessary modifications, to the commission;

(*b*) subsections 1, 2, 4, 5, 6, 9, 10 and 11 of section 4 shall apply, with necessary modifications, to the commission, and, for the purpose,

(i) the date mentioned in subsections 1, 2 and 6,

(ii) the date mentioned in subsection 9, and

(iii) the date mentioned in subsection 11,

of the said section 4 shall be deemed to be such dates as shall be specified in the by-law mentioned in subsection 1 of this section;

(*c*) sections 5, 6, 7 and 9 shall apply, with necessary modifications, to the commission; and

(*d*) the commission, for the purposes of clauses *a*, *b* and *c*, shall be deemed to be a commission established under section 2.

4.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power, shall, on and after the 1st day of January, 1979, be exercised on behalf of each of the municipalities of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville, the Township of Georgina and the Township of King by the commission established by section 2 in respect of the municipality and not by the council of any municipality or any other hydro-electric commission. Powers of commissions R.S.O. 1970, c. 390

(2) Subject to subsections 3 and 5 and to any subsisting contracts for the supply of power to customers within the meaning of subsection 1 of section 37*a* of *The Ontario Energy Board Act*, on and after the 1st day of January, 1979, each commission established by section 2 has the sole right to distribute and supply power within the area municipality in respect of which it is established, and may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within the municipality without electoral assent or other approval or authorization and such a contract shall be deemed to be an agreement within the meaning of clause *s* of subsection 2 of section 293 of *The Municipal Act*. Idem R.S.O. 1970, c. 312 R.S.O. 1970, c. 284

(3) Notwithstanding subsection 2, but subject to subsections 12 and 13, Ontario Hydro shall continue to distribute and supply power in those areas of the Town of Whitchurch-Stouffville, the Town of East Gwillimbury, the Township of Georgina and the Township of King that it served immediately before the coming into force of this Act, and subsections 5, 10 and 11 do not apply. Where Ontario Hydro to continue to distribute and supply power

(4) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to each of the commissions established by section 2. Application of R.S.O. 1970, c. 354

(5) With the consent of a commission established by section 2, Ontario Hydro may distribute and supply power directly to customers within the municipality in respect of which the commission is established. Direct customers

Transfer of assets and liabilities

(6) On the 1st day of January, 1979, all assets under the control and management of and all liabilities of hydro-electric commissions distributing and selling power in the area municipalities, to the extent that they pertain to the distribution and supply of power in each area municipality, are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the municipality.

Compensation by Richmond Hill Hydro-Electric Commission

(7) Notwithstanding subsection 6, the Richmond Hill Hydro-Electric Commission established by section 2 shall pay compensation to the Vaughan Hydro-Electric Commission established by section 2 for the assets pertaining to the retail distribution and supply of power in that portion of the Town of Richmond Hill supplied with power by the Hydro-Electric Commission of the Township of Vaughan immediately before the coming into force of this Act, and the amount of the compensation shall be equal to the original cost of the assets less the sum of,

(*a*) the accumulated depreciation associated with the assets;

(*b*) the equity in the Hydro-Electric Commission of the Township of Vaughan of the customers supplied with power through the assets; and

(*c*) any liabilities associated with the assets that are assumed by the Richmond Hill Hydro-Electric Commission.

Idem, calculation of equity

(8) The equity referred to in clause *b* of subsection 7 shall be calculated so that the equity in the Hydro-Electric Commission of the Township of Vaughan of a customer in the Town of Vaughan is not altered by the transfer of the assets referred to in subsection 7.

Transitional

(9) Such management and control of works for the distribution and supply of power within the municipalities of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville, the Township of Georgina and the Township of King as are exercised by hydro-electric commissions and Ontario Hydro immediately before this Act comes into force remain entrusted to them to and including the 31st day of December, 1978, but any of the assets, powers and responsibilities of such commissions and Ontario Hydro pertaining to the distribution and supply of power in any of the municipalities may by agreement be transferred before that date to a commission established by section 2 in respect of the municipality.

(10) Subject to subsections 3 and 5 and the regulations, and except as otherwise agreed between Ontario Hydro and the commission, each commission established by section 2 shall acquire, on behalf of the area municipality served by the commission, the assets and liabilities of Ontario Hydro pertaining to the retail distribution and supply of power within the municipality, including equipment leased by Ontario Hydro to retail customers within the municipality for the use of such power, and the commission shall pay to Ontario Hydro an amount equal to the original cost of the assets less the sum of, **Purchase of retail distribution facilities**

(*a*) the accumulated net retail equity of the customers supplied with power through the assets; and

(*b*) the accumulated depreciation associated with the assets.

(11) If the amount payable under subsection 7 or 10 has not been determined before the 1st day of July, 1979, the amount shall be determined in accordance with subsections 7 and 8 or subsection 10, as the case requires, and in accordance with the regulations, by a board of arbitration, and, **Where amount to be determined by arbitration**

(*a*) on or before the 1st day of August, 1979, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;

(*b*) the two members of the board of arbitration, within ten days after the giving of the notice of appointment, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties;

(*c*) if a party fails to appoint a member to a board of arbitration pursuant to clause *a* or if the members do not appoint a chairman pursuant to clause *b*, or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the Court may appoint the member or chairman;

(*d*) except as otherwise provided in this subsection, *The Arbitrations Act* applies to this subsection; and **R.S.O. 1970, c. 25**

(*e*) in this subsection, "parties" means,

(i) in the case of subsection 7, the Richmond Hill Hydro-Electric Commission and the Vaughan Hydro-Electric Commission, and

(ii) in the case of subsection 10, Ontario Hydro and, in each case, the commission established by section 2.

Supply of power in all areas of municipalities of Whitchurch-Stouffville, Georgina, King

(12) The council of the Town of Whitchurch-Stouffville, the Township of Georgina or the Township of King, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law,

(*a*) may direct the commission established by section 2 in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day subsections 10 and 11 and section 7 shall apply with necessary modifications; or

(*b*) may dissolve the commission established by section 2 in respect of the municipality on a day specified by the by-law and on the specified day,

(i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and

(ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

Review of distribution and supply of power

(13) Until such time as the power conferred by subsection 12 has been exercised,

(*a*) the councils of the Town of Whitchurch-Stouffville, the Township of Georgina and the Township of King shall review the distribution and supply of power within their respective municipalities at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection 12; and

(*b*) where the council of the Town of Whitchurch-Stouffville, the Township of Georgina or the Township of King determines as provided in clause *a*

that it is financially feasible for the commission established under section 2 in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection 12.

(14) For the purpose of the calculations mentioned in subsections 7, 8 and 10, "original cost" and "equity" do not include capital contributions by customers or developers. Interpretation: original cost, equity

5.—(1) All real property transferred pursuant to section 4 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission, shall be held by the commission in trust for the area municipality served by the commission. Vesting of real property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows: Disposition of real property

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the area municipality in good faith no longer wishes to use the real property for a municipal purpose the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.

2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be received by the commission and shall be applied in accordance with *The Public Utilities Act*. R.S.O. 1970, c. 390

Borrowing

R.S.O. 1970, c. 408

6. Except as otherwise provided in this Act, sections 126 to 147 of *The Regional Municipality of York Act*, apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

Interpretation

7.—(1) In this section, "transfer date", when used in respect of an employee of a hydro-electric commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Transfer of employees

(2) On or before the 31st day of December, 1978, each hydro-electric commission shall designate those of its full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1978, and who continued such employment until the 31st day of December, 1978 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission.

Idem, Ontario Hydro

(3) On or before the 31st day of December, 1978, Ontario Hydro shall designate those of its full-time employees who were employed in the distribution and supply of power in the municipalities of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill and the Town of Vaughan on the 1st day of January, 1978 and who continued such employment until the 31st day of December, 1978 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission.

Wages or salaries

(4) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Participation in O.M.E.R.S.

(5) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

R.S.O. 1970, c. 324

Supplementary agreements

(6) When a person who accepts employment under this section with a commission established by section 2 is entitled

to the benefit of a supplementary agreement between a hydro-electric commission and the Ontario Municipal Employees Retirement Board immediately before his transfer date, the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the hydro-electric commission.

Transfer of pension credits from Ontario Hydro plan

(7) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension guarantee

(8) Notwithstanding subsection 5, a person who accepts employment under this section with a commission established by section 2 and who,

(*a*) was employed by Ontario Hydro immediately before his transfer date; and

(*b*) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1978, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 5 shall be apportioned and paid as provided by the regulations.

Group life insurance

(9) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(10) On or before the 31st day of December, 1980, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the employee was entitled immediately before his transfer date.

Sick leave

(11) A person who accepts employment under this section shall continue to enjoy as a term of his employment, the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the employee shall receive allowance or credit for any accrued sick leave rights or benefits.

Life insurance provided to pensioners

(12) The commissions established by section 2 shall continue the provision of life insurance to pensioners formerly employed in the distribution and supply of power in the area municipalities by public utilities commissions and municipal hydro-electric commissions.

Termination for cause

(13) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Special circumstances

(14) Where, under this section, an employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

Dissolution of existing commissions

R.S.O. 1970, c. 408

R.S.O. 1970, c. 390

8. For the purposes of section 169 of *The Regional Municipality of York Act*, the 1st day of January, 1979 is the date determined by the Minister in respect of the Regional Area within the meaning of *The Regional Municipality of York Act*, and on that date the hydro-electric commissions that distribute and supply only power are dissolved and the by-laws establishing them passed pursuant to sections 38 and 40 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required.

Regulations

9. The Lieutenant Governor in Council may make regulations,

(*a*) for the purpose of subsection 10 of section 4 in respect of,

(i) the method of determining the original cost of the assets or of any asset or of any part of any asset,

(ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,

(iii) the method of determining the amount of any component of the accumulated net retail equity,

(iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,

(v) the method of calculating accumulated depreciation or any component of accumulated depreciation,

(vi) the allocation of accumulated depreciation or any component of accumulated depreciation,

(vii) the method of payment of the price of the assets;

(*b*) for the purposes of subsection 8 of section 7, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. The short title of this Act is *The York Municipal Hydro-Electric Service Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 22 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for Municipal
Hydro-Electric Service in
The Regional Municipality of York

1st Reading

April 18th, 1978

2nd Reading

May 23rd, 1978

3rd Reading

June 13th, 1978

THE HON. R. BAETZ
Minister of Energy

BILL 68

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Corporations Tax Act, 1972

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 68 1978

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 14 of *The Corporations Tax Act, 1972*, being chapter 143, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by striking out "5/12ths" in the tenth line and inserting in lieu thereof "5/13ths". s. 14 (6), amended

2. Section 33 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by striking out "12 per cent" in the fourth line and inserting in lieu thereof "13 per cent". s. 33, amended

3. Section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by striking out "12 per cent" in the third line and inserting in lieu thereof "13 per cent". s. 34, amended

4. Clause *e* of subsection 1 of section 35 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by striking out "12 per cent" in the first line and inserting in lieu thereof "13 per cent". s. 35 (1) (*e*), amended

5.—(1) Subsection 2 of section 41 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by striking out "6%" in the fourth line and inserting in lieu thereof "6½%". s. 41 (2), amended

(2) Subsection 4 of the said section 41 is amended by striking out "16 2/3 times" in the fifth line and inserting in lieu thereof "15 5/13 times". s. 41 (4), amended

(3) Subsection 5 of the said section 41 is amended by striking out "12 per cent" in the fifth line and inserting in lieu thereof "13 per cent". s. 41 (5), amended

Commencement

6. This Act shall be deemed to have come into force on the 8th day of March, 1978 and to apply to corporations in respect of all taxation years ending after the 7th day of March, 1978 except that with respect to the taxation year ending after the 7th day of March, 1978, and that includes that day, the following rules apply:

(*a*) determine the amount of tax payable under Part I of the said Act as that Part stood on the 7th day of March, 1978 on the assumption that that Part as it so stood was applicable to that taxation year;

(*b*) determine the proportion of the amount determined under clause *a* that the number of days of that taxation year prior to the 8th day of March, 1978 bears to the total number of days of that taxation year;

(*c*) determine the amount of tax payable under Part I of the said Act, as amended by this Act, on the assumption that that Part as so amended was applicable for that taxation year;

(*d*) determine the proportion of the amount determined under clause *c* that the number of days of that taxation year that follow the 7th day of March, 1978 bears to the total number of days of that taxation year;

(*e*) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the amount payable by the corporation under Part II of the said Act, as amended by this Act, for its taxation year that ends after the 7th day of March, 1978, and that includes that day.

Short title

7. The short title of this Act is *The Corporations Tax Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Corporations Tax Act, 1972

1st Reading

April 25th, 1978

2nd Reading

May 2nd, 1978

3rd Reading

May 2nd, 1978

THE HON. L. MAECK
Minister of Revenue

1978

BILL 69 1st rd. in Leg. Leg. Ass. Ont.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Racing Commission Act

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 69 1978

An Act to amend The Racing Commission Act

IER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as lows:

1.—(1) Section 15 of *The Racing Commission Act*, being chapter 398 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 116, section 3, is amended by adding thereto the following subsections: s. 15, amended

(1*a*) The Commission may adopt by reference, in whole or in part, with such changes as the Commission considers necessary, rules and procedures of racing associations or bodies and may delegate to racing associations or bodies the power to, Adoption by reference and delegation of powers

(*a*) enforce the carrying out and observance of the rules and procedures as adopted or amended;

(*b*) hold hearings in respect of the contravention of any of the said rules or procedures; and

(*c*) impose and collect fines, costs and other penalties for the contravention of any of the said rules or procedures,

and where a power has been so delegated to a racing association or body, it shall have the right to exercise discretion or judgment in relation to the powers delegated.

(1*b*) Every person, association or body to whom a power to hold hearings has been delegated under subsection 1 or 1*a*, may summon any person by subpoena and require any person so summoned to give evidence on oath and to produce such documents and things as may be required for purposes of a hearing. Power to summon

. . . . .

Quorum for hearings

(4) For the purposes of a hearing under subsection 2, three members of the Commission, one of whom shall be the chairman or vice-chairman, constitute a quorum.

Commission may review decision

(5) The Commission may, on its own motion, review any decision made by a racing association or body pursuant to a power delegated under subsection 1*a* and may, after affording the parties an opportunity to be heard, confirm the decision reviewed or substitute its own decision in lieu thereof.

s. 15 (2), re-enacted

(2) Subsection 2 of the said section 15 is repealed and the following substituted therefor:

Aggrieved person entitled to a hearing

(2) Subject to subsection 2*b*, any person who considers himself aggrieved by a decision of a person delegated by the Commission under a rule made under subsection 1 or by a decision resulting from a hearing held pursuant to a delegation under subsection 1*a*, is entitled to a hearing by the Commission and, in the case of a hearing, the Commission may exercise its powers and duties under section 11 as if such powers and duties had not been delegated.

Penalty

(2*a*) Where the Commission, after holding a hearing, is of the opinion that the request for the hearing was frivolously made, the Commission may order the person requesting the hearing to pay to the Commission a penalty of no more than $300 in addition to any other penalty that may be imposed.

Appeals prior to hearing by Commission

(2*b*) Where the rules of the Commission, promulgated or adopted, provide for an appeal to an association or body any person who considers himself aggrieved shall appeal in accordance with the rules before applying to the Commission for a hearing under subsection 2.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Racing Commission Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR May 26 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Racing Commission Act

1st Reading

April 25th, 1978

2nd Reading

May 11th, 1978

3rd Reading

May 11th, 1978

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations

1978

BILL 70 1 Leg. Leg. Sess. Ldn

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the Occupational Health and Occupational Safety of Workers

THE HON. R. G. ELGIE
Minister of Labour

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 70 **1978**

An Act respecting the Occupational Health and Occupational Safety of Workers

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

1. "committee" means a joint health and safety committee established under this Act; 1976, c. 79, s. 1 (*a*), *amended*.

2. "competent person" means a person who,

   i. is qualified because of his knowledge, training and experience to organize the work and its performance,

   ii. is familiar with the provisions of this Act and the regulations that apply to the work, and

   iii. has knowledge of any potential or actual danger to health or safety in the work place; *New*.

3. "construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting, or concreting, the installation of any machinery or plant, and any work or undertaking in connection with a project; 1973, c. 47, s. 1 (*d*), *amended*.

4. "constructor" means a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer; 1973, c. 47, s. 1 (*e*), *amended*.

5. "Deputy Minister" means the Deputy Minister of Labour; 1973, c. 47, s. 1 (*f*).

6. "designated substance" means a biological, chemical or physical agent or combination thereof prescribed as a designated substance to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled; *New*.

7. "Director" means an inspector who is appointed under this Act as a Director of the Occupational Health and Safety Division of the Ministry; 1971, c. 43, s. 1 (*da*); 1972, c. 122, s. 1, *amended*.

8. "employer" means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services; 1971, c. 43, s. 1 (*e*); 1973, c. 47, s. 1 (*h*), *amended*.

9. "engineer of the Ministry" means a person who is employed by the Ministry and who is registered as a professional engineer or licensed as a professional engineer under *The Professional Engineers Act*; 1971, c. 43, s. 1 (*g*), *amended*.

R.S.O. 1970, c. 366

10. "factory" means,

    i. a building or place other than a mine, mining plant or place where homework is carried on, where,

        A. any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,

        B. in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, energy is,

            1. used to work any machinery or device, or

            2. modified in any manner,

C. any work is performed by way of trade or for the purposes of gain in or incidental to the making of any goods, substance, article or thing or part thereof,

D. any work is performed by way of trade or for the purposes of gain in or incidental to the altering, demolishing, repairing, maintaining, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing, or

E. aircraft, locomotives or vehicles used for private or public transport are maintained,

ii. a laundry including a laundry operated in conjunction with,

A. a public or private hospital,

B. a hotel, or

C. a public or private institution for religious, charitable or educational purposes, and

iii. a logging operation; 1971, c. 43, s. 1 (*h*), *amended*.

11. "health and safety representative" means a health and safety representative selected under this Act; 1976, c. 79, s. 1 (*d*), *amended*.

12. "homework" means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof by a person for wages in premises occupied primarily as living accommodation; 1971, c. 43, s. 1 (*i*).

13. "industrial establishment" means an office building, factory, arena, shop or office, and any land, buildings and structures appertaining thereto; 1971, c. 43, s. 1 (*j*); 1974, c. 104, s. 1 (*i*), *amended*.

14. "inspector" means an inspector appointed for the purposes of this Act and includes a Director; 1971, c. 43, s. 1 (*k*); 1973, c. 47, s. 1 (*i*), *amended*.

15. "logging" means the operation of felling or trimming trees for commercial or industrial purposes and includes the measuring, storing, transporting or floating of logs and any such activities for the clearing of land; 1971, c. 43, s. 1 (*kb*); 1974, c. 104, s. 1 (2), *amended*.

16. "mine" means any work or undertaking for the purpose of opening up, proving, removing or extracting any metallic or non-metallic mineral or mineral-bearing substance, rock, earth, clay, sand or gravel; R.S.O. 1970, c. 274, s. 169 (1) (*d*), *amended*.

17. "mining plant" means any roasting or smelting furnace, concentrator, mill or place used for or in connection with washing, crushing, grinding, sifting, reducing, leaching, roasting, smelting, refining, treating or research on any substance mentioned in paragraph 16; R.S.O. 1970, c. 274, s. 169 (1) (*g*), *amended*.

18. "Minister" means the Minister of Labour; 1971, c. 43, s. 1 (*l*); 1973, c. 47, s. 1 (*j*).

19. "Ministry" means the Ministry of Labour;

20. "occupational illness" means a condition that results from exposure in a work place to a physical, chemical or biological agent to the extent that the normal physiological mechanisms are affected and the health of the worker is impaired thereby and includes an industrial disease as defined by *The Workmen's Compensation Act*; *New*.

R.S.O. 1970, c. 505

21. "owner" includes a trustee, receiver, mortgagee in possession, tenant, lessee, or occupier of any lands or premises used or to be used as a work place, and a person who acts for or on behalf of an owner as his agent or delegate; R.S.O. 1970, c. 274, s. 1, par. 18; 1971, c. 43, s. 1 (*n*); 1973, c. 47, s. 1 (*l*), *amended*.

22. "prescribed" means prescribed by a regulation made under this Act; *New*.

23. "project" means a construction project, whether public or private, including,

    i. the construction of a building, bridge, structure, industrial establishment, mining plant, shaft, tunnel, caisson, trench, excavation, highway, railway, street, runway, parking

lot, cofferdam, conduit, sewer, watermain, service connection, telegraph, telephone or electrical cable, pipe line, duct or well, or any combination thereof,

ii. mining development,

iii. the moving of a building or structure, and

iv. any work or undertaking, or any lands or appurtenances used in connection with construction; 1973, c. 47, s. 1 (*n*), *amended*.

24. "regulations" means the regulations made under this Act; 1971, c. 43, s. 1 (*r*); 1973, c. 47, s. 1 (*o*), *amended*.

25. "shop" means a building, booth or stall or a part of such building, booth or stall where goods are handled, exposed or offered for sale or where services are offered for sale; 1971, c. 43, s. 1 (*s*), *amended*.

26. "supervisor" means a person who has charge of a work place or authority over a worker; *New*.

27. "trade union" means a trade union as defined in *The Labour Relations Act* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in a work place and includes an organization representing workers or persons to whom this Act applies where such organization has exclusive bargaining rights under any other Act in respect of such workers or persons; 1976, c. 79, s. 1 (*g*), *amended*. R.S.O. 1970, c. 232

28. "work place" means any land, premises, location or thing at, upon, in or near which a worker works; *New*.

29. "worker" means a person who performs work or supplies services for monetary compensation but does not include,

i. an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program, or

ii. a patient who participates in a work or rehabilitation program in a psychiatric institution, mental health or retardation centre or

home, or rehabilitation facility. 1973, c. 47, s. 1 (*t*), *amended*.

PART I

APPLICATION

Application to Crown

2.—(1) This Act binds the Crown and applies to an employee in the service of the Crown or an agency, board, commission or corporation that exercises any function assigned or delegated to it by the Crown. 1971, c. 43, s. 3; 1973, c. 47, s. 2 (1), *amended*.

Application of other Acts

(2) Notwithstanding anything in any general or special Act, the provisions of this Act and the regulations prevail. 1976, c. 79, s. 11.

Application to private residences

3.—(1) This Act does not apply to work performed by the owner or occupant or a servant of the owner or occupant to, in or about a private residence or the lands and appurtenances used in connection therewith.

Farming operations

(2) Except as shall be prescribed and subject to the conditions and limitations prescribed, this Act or a Part thereof does not apply to farming operations.

Teachers, etc.

(3) Except as shall be prescribed and subject to the conditions and limitations prescribed, this Act or a Part thereof does not apply to,

1974, c. 109

(*a*) a person who is employed as a teacher as defined in *The Education Act, 1974*; or

(*b*) a person who is employed as a member or teaching assistant of the academic staff of a university or a related institution. *New*.

PART II

ADMINISTRATION

Delegation of powers

4. Where under this Act or the regulations any power or duty is granted to or vested in the Minister or the Deputy Minister, the Minister or Deputy Minister may in writing

delegate that power or duty from time to time to any officer or officers of the Ministry subject to such limitations, restrictions, conditions and requirements as the Minister or Deputy Minister may set out in the delegation. *New.*

Appointment of inspectors and Directors

5.—(1) Such persons as may be necessary to administer and enforce this Act and the regulations may be appointed as inspectors by the Deputy Minister and the Deputy Minister may designate one or more of the inspectors as a Director or Directors. 1971, c. 43, s. 6 (1, 2); 1973, c. 47, s. 4 (1, 2), *amended.*

Director may act as inspector

(2) A Director may exercise any of the powers or perform any of the duties of an inspector under this Act or the regulations. *New.*

Certificate of appointment

6.—(1) The Deputy Minister shall issue a certificate of appointment, bearing his signature or a facsimile thereof, to every inspector.

Production of certificate

(2) Every inspector, in the exercise of any of his powers or duties under this Act, shall produce his certificate of appointment upon request. 1971, c. 43, s. 7; 1973, c. 47, s. 5, *amended.*

Mandatory selection of health and safety representative

7.—(1) Where the number of workers at a project regularly exceeds twenty, the constructor shall cause the workers to select at least one health and safety representative from among the workers on the project who do not exercise managerial functions. *New.*

Order appointing health and safety representatives

(2) Where no committee has been established under section 8, or where the number of workers at a project does not regularly exceed twenty, the Minister may, by order in writing, require a constructor or an employer to cause the selection of one or more health and safety representatives for a work place or a part or parts thereof from among the workers employed at the work place or in the part or parts thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representative or representatives.

Idem

(3) The Minister may from time to time give such directions as the Minister considers advisable concerning the carrying out of the functions of a health and safety representative. 1976, c. 79, s. 5 (1), *amended.*

What Minister shall consider

(4) In exercising the power conferred by subsection 2, the Minister shall consider the matters set out in subsection 4 of section 8. *New.*

Selection of representatives

(5) The selection of a health and safety representative shall be made by those workers who do not exercise managerial functions and who will be represented by the health and safety representative in the work place, or the part or parts thereof, as the case may be, or, where there is a trade union or trade unions representing such workers, by the trade union or trade unions.

Powers of representative

(6) A health and safety representative may inspect the physical condition of the work place or the part or parts thereof for which he has been selected, as the case may be, not more often than once a month or at such intervals as a Director may direct, and it is the duty of the employer and the workers to afford the health and safety representative such information and assistance as may be required for the purpose of carrying out the inspection.

Idem

(7) A health and safety representative has power to identify situations that may be a source of danger or hazard to workers and to make recommendations or report his findings thereon to the employer, the workers and the trade union or trade unions representing the workers.

Notice of accident, inspection by representative

(8) Where a person is killed or critically injured at a work place from any cause, the health and safety representative may, subject to subsection 2 of section 25, inspect the place where the accident occurred and any machine, device or thing, and shall report his findings in writing to a Director.

Entitlement to time from work

(9) A health and safety representative is entitled to take such time from his work as is necessary to carry out his duties under subsections 6 and 8 and the time so spent shall be deemed to be work time for which he shall be paid by his employer at his regular or premium rate as may be proper. 1976, c. 79, s. 5 (2-6), *amended*.

Additional powers of certain health and safety representatives

(10) A health and safety representative or representatives of like nature appointed or selected under the provisions of a collective agreement or other agreement or arrangement between the constructor or the employer and the workers, has, in addition to his functions and powers under the provisions of the collective agreement or other agreement or arrangement the functions and powers conferred upon a health and safety representative by subsections 6, 7 and 8. *New*.

Application

8.—(1) Subject to subsection 3, this section does not apply,

(*a*) to a constructor or an employer who undertakes to perform work or supply services on a project; or

(*b*) to an employer in respect of those workers who work,

(i) in that part or those parts of a building used for office purposes,

(ii) in a shop where goods or services are sold or offered for sale to the public, except any part used as a factory,

(iii) in a building used for multiple residential accommodation,

(iv) in a library, museum or art gallery,

(v) in a restaurant, hotel, motel or premises for which a licence or permit has been issued under *The Liquor Licence Act, 1975* except that part used as a kitchen or laundry, 1975, c. 40

(vi) in a theatre or place of public entertainment, or

(vii) in premises occupied and used by a fraternal or social organization or a private club.

Establishment of joint health and safety committees

(2) Subject to subsection 3, where,

(*a*) twenty or more workers are regularly employed at a work place;

(*b*) a regulation made in respect of a designated substance applies to a work place; or

(*c*) an order to an employer is in effect under section 20,

the employer shall cause a joint health and safety committee to be established and maintained at the work place unless the Minister is satisfied that a committee of like nature or an arrangement, program or system in which the workers participate is, on the date this Act comes into force, established and maintained pursuant to a collective agreement or other agreement or arrangement and that such committee, arrangement, program or system provides benefits for the health and safety of the workers equal to, or greater than, the benefits to be derived under a committee established under this section.

Minister's order

(3) Notwithstanding subsections 1 and 2, the Minister may, by order in writing, require a constructor or an em-

ployer to establish and maintain one or more joint health and safety committees for a work place or a part thereof, and may, in such order, provide for the composition, practice and procedure of any committee so established. *New.*

What Minister shall consider

(4) In exercising the power conferred by subsection 3, the Minister shall consider,

(*a*) the nature of the work being done;

(*b*) the request of a constructor, an employer, a group of the workers or the trade union or trade unions representing the workers in a work place;

(*c*) the frequency of illness or injury in the work place or in the industry of which the constructor or employer is a part;

(*d*) the existence of health and safety programs and procedures in the work place and the effectiveness thereof; and

(*e*) such other matters as the Minister considers advisable. 1976, c. 79, s. 4 (3), *amended.*

Composition of committee

(5) A committee shall consist of at least two persons of whom at least half shall be workers who do not exercise managerial functions to be selected by the workers they are to represent or, where there is a trade union or trade unions representing such workers, by the trade union or trade unions.

Powers of committee

(6) It is the function of a committee and it has power to,

(*a*) identify situations that may be a source of danger or hazard to workers;

(*b*) make recommendations to the constructor or employer and the workers for the improvement of the health and safety of workers;

(*c*) recommend to the constructor or employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers; and

(*d*) obtain information from the constructor or employer respecting,

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in similar or other indus-

tries of which the constructor or employer has knowledge. 1976, c. 79, s. 4 (4), *amended*.

Minutes of proceedings

(7) A committee shall maintain and keep minutes of its proceedings and make the same available for examination and review by an inspector.

Powers of designated member

(8) The members of a committee who represent workers shall designate one of the members representing workers to inspect the physical condition of the work place, not more often than once a month or at such intervals as a Director may direct, and it is the duty of the employer and the workers to afford that member such information and assistance as may be required for the purpose of carrying out the inspection.

Idem

(9) The members of a committee who represent workers shall designate one or more such members to investigate cases where a worker is killed or critically injured at a work place from any cause and one of those members may, subject to subsection 2 of section 25, inspect the place where the accident occurred and any machine, device or thing, and shall report his findings to a Director and to the committee. *New*.

Posting of names and work locations

(10) A constructor or an employer required to establish a committee under this section shall post and keep posted at the work place the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of the workers.

Meetings

(11) A committee shall meet at least once every three months at the work place and may be required to meet by order of the Minister. 1976, c. 79, s. 4 (6, 7), *amended*.

Entitlement to time from work

(12) A member of a committee is entitled to such time from his work as is necessary to attend meetings of the committee and to carry out his duties under subsections 8 and 9 and the time so spent shall be deemed to be work time for which he shall be paid by his employer at his regular or premium rate as may be proper. 1976, c. 79, s. 4 (8), *amended*.

Additional powers of certain committees

(13) Any committee of a like nature to a committee established under this section in existence in a work place under the provisions of a collective agreement or other agreement or arrangement between a constructor or an employer and the workers, has, in addition to its functions and powers under the provisions of the collective agreement or other agreement or arrangement, the functions and powers conferred upon a committee by this section.

Dispute resolution

(14) Where a dispute arises as to the application of subsection 2, or the compliance or purported compliance therewith by an employer, the dispute shall be decided by the Minister after consulting the employer and the workers or the trade union or trade unions representing the workers. *New*.

Summary to be furnished
R.S.O. 1970, c. 505

9.—(1) For work places to which *The Workmen's Compensation Act* applies, the Workmen's Compensation Board, upon the request of an employer, a worker, committee, health and safety representative or trade union, shall send to the employer, and to the worker, committee, health and safety representative or trade union requesting the information an annual summary of data relating to the employer in respect of the number of work accident fatalities, the number of lost workday cases, the number of lost workdays, the number of non-fatal cases that required medical aid without lost workdays, the incidents of occupational illnesses, the number of occupational injuries, and such other data as the Board may consider necessary or advisable.

Posting of copy of summary

(2) Upon receipt of the annual summary, the employer shall cause a copy thereof to be posted in a conspicuous place or places at the work place where it is most likely to come to the attention of the workers. 1976, c. 79, s. 8, *amended*.

Director to provide information

(3) A Director shall, in accordance with the objects and purposes of this Act, ensure that persons and organizations concerned with the purposes of this Act are provided with information and advice pertaining to its administration and to the protection of the occupational health and occupational safety of workers generally. *New*.

Advisory Council on Occupational Health and Occupational Safety

10.—(1) There shall be a council to be known as the Advisory Council on Occupational Health and Occupational Safety composed of not fewer than twelve and not more than twenty members appointed by the Lieutenant Governor in Council on the recommendation of the Minister.

Term of office of members

(2) The members of the Advisory Council shall be appointed for such term as the Lieutenant Governor in Council determines and shall be representative of management, labour and technical or professional persons and the public who are concerned with and have knowledge of occupational health and occupational safety.

Chairman and vice-chairman

(3) The Lieutenant Governor in Council shall designate a chairman and a vice-chairman of the Advisory Council from among the members appointed.

(4) The Lieutenant Governor in Council may fill any vacancy that occurs in the membership of the Advisory Council. Vacancies

(5) The remuneration and expenses of the members of the Advisory Council shall be determined by the Lieutenant Governor in Council and shall be paid out of the moneys appropriated therefor by the Legislature. Remuneration and expenses

(6) The Advisory Council, with the approval of the Minister, may make rules and pass resolutions governing its procedure, including the calling of meetings, the establishment of a quorum, and the conduct of meetings. Powers of Advisory Council

(7) The function of the Advisory Council is and it has power, Idem

(*a*) to make recommendations to the Minister relating to programs of the Ministry in occupational health and occupational safety; and

(*b*) to advise the Minister on matters relating to occupational health and occupational safety which may be brought to its attention or be referred to it.

(8) The Advisory Council shall file with the Minister not later than the 1st day of June in each year an annual report upon the affairs of the Advisory Council. Annual report

(9) The Minister shall submit the report to the Lieutenant Governor in Council who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. *New*. Idem

11.—(1) The Minister may appoint committees, which are not committees as defined in paragraph 1 of section 1, or persons to assist or advise the Minister on any matter arising under this Act or to inquire into and report to the Minister on any matter that the Minister considers advisable. Advisory committees

(2) Any person appointed under subsection 1 who is not an officer in the public service of the Province of Ontario may be paid such remuneration and expenses as may be from time to time fixed by the Lieutenant Governor in Council. *New*. Remuneration and expenses

12.—(1) The Lieutenant Governor in Council may fix an amount that shall be assessed and levied by the Workmen's Compensation Board upon employers in Schedules 1 Assessment to defray expenses

R.S.O. 1970, c. 505

and 2 under *The Workmen's Compensation Act* to defray the expenses of the administration of this Act and the regulations and such amount shall not exceed $4,000,000 for the fiscal year in which this Act comes into force and shall be subject to increase in each subsequent fiscal year by a sum not exceeding 10 per cent of the amount fixed for the preceding fiscal year.

Method of collection

(2) The Workmen's Compensation Board shall add to the assessments and levies made under *The Workmen's Compensation Act* upon employers in Schedules 1 and 2 a sum calculated as a percentage of the assessments and levies and which percentage shall be determined as the proportion that the amount fixed under subsection 1 bears to the total sum that the Workmen's Compensation Board fixes and determines to be assessed for payment by employers in Schedules 1 and 2, and *The Workmen's Compensation Act* applies to such sum and to the collection and payment thereof in the same manner as to an assessment and levy made under that Act.

Idem

(3) The Workmen's Compensation Board shall collect the assessment and levy imposed under this section and shall pay the amounts so collected to the Treasurer of Ontario. 1973, c. 47, s. 29, *amended*.

PART III

DUTIES OF A CONSTRUCTOR, EMPLOYER, SUPERVISOR, WORKER, OWNER AND SUPPLIER

Duties of constructor

13.—(1) A constructor shall ensure, on a project undertaken by the constructor that,

(*a*) the measures and procedures prescribed by this Act and the regulations are carried out on the project;

(*b*) every employer and every worker performing work on the project complies with this Act and the regulations; and

(*c*) the health and safety of workers on the project is protected. 1973, c. 47, s. 14 (3), *amended*.

Notice of project

(2) Where so prescribed, a constructor shall, before commencing any work on a project, give to a Director notice in writing of the project containing such information as may be prescribed. *New*.

Duties of employers

14.—(1) An employer shall ensure that,

(*a*) the equipment, materials and protective devices as prescribed are provided;

(*b*) the equipment, materials and protective devices provided by him are maintained in good condition;

(*c*) the measures and procedures prescribed are carried out in the work place;

(*d*) the equipment, materials and protective devices provided by him are used as prescribed; and

(*e*) a floor, roof, wall, pillar, support or other part of a work place is capable of supporting all loads to which it may be subjected without causing the materials therein to be stressed beyond the allowable unit stresses established under *The Building Code Act, 1974*. 1974, c. 74

(2) Without limiting the strict duty imposed by sub-section 1, an employer shall, Idem

(*a*) provide information, instruction and supervision to a worker to protect the health or safety of the worker;

(*b*) when appointing a supervisor, appoint a competent person;

(*c*) acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent;

(*d*) afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions;

(*e*) only employ in or about a work place a person over such age as may be prescribed;

(*f*) not knowingly permit a person who is under such age as may be prescribed to be in or about a work place;

(*g*) take every precaution reasonable in the circumstances for the protection of a worker; and

(*h*) post, in the work place, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the

work place, outlining the rights, responsibilities and duties of workers.

Idem

(3) For the purposes of clause *b* of subsection 2, an employer may appoint himself as a supervisor where the employer is a competent person. 1971, c. 43, ss. 24 (1-3), *part*, 28 (1, 2); 1973, c. 47, s. 17 (1, 2), *amended*.

Idem

15.—(1) In addition to the duties imposed by section 14, an employer shall,

(*a*) establish an occupational health service for workers as prescribed;

(*b*) where an occupational health service is established as prescribed, maintain the same according to the standards prescribed;

(*c*) keep and maintain accurate records of the handling, storage, use and disposal of biological, chemical or physical agents as prescribed;

(*d*) accurately keep and maintain and make available to the worker affected such records of the exposure of a worker to biological, chemical or physical agents as may be prescribed;

(*e*) notify a Director of the use or introduction into a work place of such biological, chemical or physical agents as may be prescribed;

(*f*) monitor at such time or times or at such interval or intervals the levels of biological, chemical or physical agents in a work place and keep and post accurate records thereof as prescribed;

(*g*) comply with a standard limiting the exposure of a worker to biological, chemical or physical agents as prescribed;

(*h*) where so prescribed, only permit a worker to work or be in a work place who has undergone such medical examinations, tests or x-rays as prescribed and who is found to be physically fit to do the work in the work place; and

(*i*) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker. *New*.

Idem

(2) For the purposes of clause *a* of subsection 1, a group of employers, with the approval of a Director, may act as an employer.

16.—(1) A supervisor shall ensure that a worker, Duties of supervisor

(*a*) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and

(*b*) uses or wears the equipment, protective devices or clothing that his employer requires to be used or worn.

(2) Without limiting the duty imposed by subsection 1, a supervisor shall, Additional duties of supervisor

(*a*) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;

(*b*) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and

(*c*) take every precaution reasonable in the circumstances for the protection of a worker. R.S.O. 1970, c. 274, s. 177 (6); 1971, c. 43, s. 26; 1973, c. 47, s. 17 (1, 3), *amended.*

17.—(1) A worker shall, Duties of workers

(*a*) work in compliance with the provisions of this Act and the regulations;

(*b*) use or wear the equipment, protective devices or clothing that his employer requires to be used or worn;

(*c*) report to his employer or supervisor the absence of or defect in any equipment or protective device of which he is aware and which may endanger himself or another worker;

(*d*) report to his employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he knows; and

(*e*) where so prescribed, have, at the expense of the employer, such medical examinations, tests or x-rays, at such time or times and at such place or places as prescribed.

(2) No worker shall, Idem

(*a*) remove or make ineffective any protective device required by the regulations or by his employer, without providing an adequate temporary protective device and when the need for removing or making

ineffective the protective device has ceased, the protective device shall be replaced immediately;

(*b*) use or operate any equipment, machine, device or thing or work in a manner that may endanger himself or any other worker; or

(*c*) engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct. 1971, c. 43, ss. 27, 29, 31 (3); 1973, c. 47, ss. 18, 19, 20, *amended*.

Duties of owners

18.—(1) The owner of a work place that is not a project shall,

(*a*) ensure that,

(i) such facilities as may be prescribed are provided,

(ii) any facilities prescribed to be provided are maintained as prescribed,

(iii) the work place complies with the regulations, and

(iv) no work place is constructed, developed, reconstructed, altered or added to except in compliance with this Act and the regulations; and

(*b*) where so prescribed, furnish to a Director any drawings, plans or specifications of any work place as prescribed. 1971, c. 43, s. 22.

Mine plans

(2) The owner of a mine shall cause drawings, plans or specifications to be maintained and kept up to a date not more than six months last past on such scale and showing such matters or things as may be prescribed. R.S.O. 1970, c. 274, s. 617, *amended*.

Plans of work places

(3) Where so prescribed, an owner or employer shall,

(*a*) not begin any construction, development, reconstruction, alteration, addition or installation to or in a work place until the drawings, layout and specifications thereof and any alterations thereto have been filed with the Ministry for review by an engineer of the Ministry for compliance with this Act and the regulations; and

(*b*) keep a copy of the drawings as reviewed in a convenient location at or near the work place and

such drawings shall be produced by the owner or employer upon the request of an inspector for his examination and inspection. 1971, c. 43, s. 17 (1, 5), *amended*.

Additional information

(4) An engineer of the Ministry may require the drawings, layout and specifications to be supplemented by the owner or employer with additional information. 1971, c. 43, s. 17 (3) (*b*), *amended*.

Fees

(5) Fees as prescribed for the filing and review of drawings, layout or specifications shall become due and payable by the owner or employer upon filing. 1971, c. 43, s. 17 (6), *amended*.

Duties of suppliers

19. Every person who supplies any machine, device, tool or equipment under any rental, leasing or similar arrangement for use in or about a work place shall ensure,

(*a*) that the machine, device, tool or equipment is in good condition;

(*b*) that the machine, device, tool or equipment complies with this Act and the regulations; and

(*c*) if it is his responsibility under the rental, leasing or similar arrangement to do so, that the machine, device, tool or equipment is maintained in good condition. 1971, c. 43, s. 30; 1973, c. 47, s. 24 (2), *amended*.

PART IV

TOXIC SUBSTANCES

Orders of Director

20.—(1) Where a biological, chemical or physical agent or combination of such agents is used or intended to be used in the work place and its presence in the work place or the manner of its use is in the opinion of a Director likely to endanger the health of a worker, the Director shall by notice in writing to the employer order that the use, intended use, presence or manner of use be,

(*a*) prohibited;

(*b*) limited or restricted in such manner as the Director specifies; or

(*c*) subject to such conditions regarding administrative control, work practices, engineering control and time limits for compliance as the Director specifies.

Contents of order

(2) Where a Director makes an order to an employer under subsection 1, the order shall,

(*a*) identify the biological, chemical or physical agent, or combination of such agents, and the manner of use that is the subject-matter of the order; and

(*b*) state the opinion of the Director as to the likelihood of the danger to the health of a worker, and his reasons in respect thereof, including the matters or causes which give rise to his opinion.

Posting of order

(3) The employer shall provide a copy of an order made under subsection 1 to the committee, health and safety representative and trade union, if any, and shall cause a copy of the order to be posted in a conspicuous place in the work place where it is most likely to come to the attention of the workers who may be affected by the use, presence or intended use of the biological, chemical or physical agent or combination of agents.

Appeal to Minister

(4) Where the employer, a worker or a trade union considers that he or it is aggrieved by an order made under subsection 1, the employer, worker or trade union may by notice in writing given within fourteen days of the making of the order appeal to the Minister.

Delegation

(5) The Minister may, having regard to the circumstances, direct that an appeal under subsection 4 be determined on his behalf by a person appointed by him for that purpose.

Procedure

(6) The Minister or, where a person has been appointed under subsection 5, the person so appointed, may give such directions and issue such orders as he considers proper or necessary concerning the procedures to be adopted or followed and shall have all the powers of a chairman of a board of arbitration under subsection 7 of section 37 of *The Labour Relations Act*.

R.S.O. 1970, c. 232

Substitution of findings

(7) On an appeal, the Minister or, where a person has been appointed under subsection 5, the person so appointed, may substitute his findings for those of the Director and may rescind or affirm the order appealed from or make a new order in substitution therefor and such order shall stand in the place of and have the like effect under this Act and the regulations as the order of the Director, and such order shall be final and not subject to appeal under this section.

(8) In making a decision or order under subsection 1 or subsection 7, a Director, the Minister, or, where a person has been appointed under subsection 5, the person so appointed, shall consider as relevant factors, Matters to be considered

(*a*) the relation of the agent, combination of agents or by-product to a biological or chemical agent that is known to be a danger to health;

(*b*) the quantities of the agent, combination of agents or by-product used or intended to be used or present;

(*c*) the extent of exposure;

(*d*) the availability of other processes, agents or equipment for use or intended use;

(*e*) data regarding the effect of the process or agent on health; and

(*f*) any criteria or guide with respect to the exposure of a worker to a biological, chemical or physical agent or combination of such agents that are adopted by a regulation.

(9) On an appeal under subsection 4, the Minister or, where a person has been appointed under subsection 5, the person so appointed, may suspend the operation of the order appealed from pending the disposition of the appeal. Suspension of order by Minister, etc., pending disposition of appeal

(10) A person appointed under subsection 5 shall be paid such remuneration and expenses as the Minister, with the approval of the Lieutenant Governor in Council, may determine. Remuneration of appointee

(11) This section does not apply to designated substances. Application

(12) A Director is not required to hold or afford to an employer or any other person an opportunity for a hearing before making an order under subsection 1. *New.* No hearing required prior to issuing order

21.—(1) Except for purposes of research and development, no person shall, New biological or chemical agents

(*a*) manufacture;

(*b*) distribute; or

(*c*) supply,

for commercial or industrial use in a work place any new biological or chemical agent or combination of such agents unless he first submits to a Director notice in writing of his intention to manufacture, distribute or supply such new agent or combination of such agents and the notice shall include the ingredients of such new agent or combination of agents and their common or generic name or names and the composition and properties thereof.

Report on assessment

(2) Where in the opinion of the Director, which opinion shall be made promptly, the introduction of the new biological or chemical agent or combination of such agents referred to in subsection 1 may endanger the health or safety of the workers in a work place, the Director shall require the manufacturer, distributor or supplier, as the case may be, to provide, at the expense of the manufacturer, distributor or supplier, a report or assessment, made or to be made by a person possessing such special, expert or professional knowledge or qualifications as are specified by the Director, of the agent or combination of agents intended to be manufactured, distributed or supplied and the manner of use including, the matters referred to in subclauses i to vii of clause *l* of subsection 1 of section 28.

Interpretation

(3) For the purpose of this section, "new biological or chemical agent or combination of such agents" means any such agent or combination of such agents other than those used in one or more work places and included in an inventory compiled or adopted by the Ministry. *New.*

Designation of substances

22. Prior to a substance being designated under paragraph 14 of subsection 2 of section 41, the Minister,

(*a*) shall publish in *The Ontario Gazette* a notice stating that the substance may be designated and calling for briefs or submissions in relation to the designation; and

(*b*) shall publish in *The Ontario Gazette* a notice setting forth the proposed regulation relating to the designation of the substance at least sixty days before the regulation is filed with the Registrar of Regulations. *New.*

PART V

REFUSAL TO WORK WHERE HEALTH OR SAFETY IN DANGER

Application

23.—(1) This section does not apply to,

R.S.O. 1970, c. 351

(*a*) a person employed in, or who is a member of a police force, to which *The Police Act* applies;

(*b*) a full-time fire fighter as defined in *The Fire Departments Act*; or R.S.O. 1970, c. 169

(*c*) a person employed in the operation of a correctional institution or facility, training school or centre, detention and observation home, or other similar institution, facility, school or home.

(2) Where circumstances are such that the life, health or safety of another person or the public may be in imminent jeopardy, this section does not apply to a person employed in the operation of any of the following institutions, facilities or services whether granted aid out of moneys appropriated by the Legislature or not and whether operated for private gain or not: Idem

1. A hospital, sanatarium, nursing home, home for the aged, psychiatric institution, mental health or mental retardation centre or a rehabilitation facility.

2. A residential group home or other facility for persons with behavioural or emotional problems or a physical, mental or developmental handicap.

3. An ambulance service or a first aid clinic or station.

4. A laboratory operated by the Crown or a laboratory licensed under *The Public Health Act*. R.S.O. 1970, c. 377

5. Any laundry, food service, power plant or technical service or facility belonging to, or used in conjunction with, any institution, facility or service referred to in paragraphs 1 to 4. *New.*

(3) A worker may refuse to work or do particular work where he has reason to believe that, Refusal to work

(*a*) any equipment, machine, device or thing he is to use or operate is likely to endanger himself or another worker;

(*b*) the physical condition of the work place or the part thereof in which he works or is to work is likely to endanger himself; or

(*c*) any equipment, machine, device or thing he is to use or operate or the physical condition of the work place or the part thereof in which he works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself or another worker.

(4) Upon refusing to work or do particular work, the worker shall promptly report the circumstances of his refusal Report of refusal to work

to his employer or supervisor who shall forthwith investigate the report in the presence of the worker and, if there is such, in the presence of one of,

(*a*) a committee member who represents workers, if any;

(*b*) a health and safety representative, if any; or

(*c*) a worker who because of his knowledge, experience and training is selected by a trade union that represents the worker, or if there is no trade union, is selected by the workers to represent them,

who shall be made available and who shall attend without delay.

Worker to remain near work station

(5) Until the investigation is completed, the worker shall remain in a safe place near his work station. 1971, c. 43, s. 31 (1, 2); 1976, c. 79, s. 5 (1), *amended*.

Refusal to work following investigation

(6) Where, following the investigation or any steps taken to deal with the circumstances that caused the worker to refuse to work or do particular work, the worker has reasonable grounds to believe that,

(*a*) the equipment, machine, device or thing that was the cause of his refusal to work or do particular work continues to be likely to endanger himself or another worker;

(*b*) the physical condition of the work place or the part thereof in which he works continues to be likely to endanger himself; or

(*c*) any equipment, machine, device or thing he is to use or operate or the physical condition of the work place or the part thereof in which he works or is to work is in contravention of this Act or the regulations and such contravention continues to be likely to endanger himself or another worker,

the worker may refuse to work or do the particular work and the employer or the worker or a person on behalf of the employer or worker shall cause an inspector to be notified thereof.

Investigation by inspector

(7) An inspector shall investigate the refusal to work in the presence of the employer or a person representing the employer, the worker, and if there is such, the person mentioned in clause *a*, *b* or *c* of subsection 4.

Decision of inspector

(8) The inspector shall, following the investigation referred to in subsection 7, decide whether the machine, device,

thing or the work place or part thereof is likely to endanger the worker or another person. 1976, c. 79, s. 3 (2-4), *amended.*

Idem

(9) The inspector shall give his decision, in writing, as soon as is practicable, to the employer, the worker, and, if there is such, the person mentioned in clause *a*, *b* or *c* of subsection 4.

Worker to remain at a safe place pending decision

(10) Pending the investigation and decision of the inspector, the worker shall remain at a safe place near his work station during his normal working hours unless the employer, subject to the provisions of a collective agreement, if any,

(*a*) assigns the worker reasonable alternative work during such hours; or

(*b*) subject to section 24, where an assignment of reasonable alternative work is not practicable, gives other directions to the worker.

Duty to advise other workers

(11) Pending the investigation and decision of the inspector, no worker shall be assigned to use or operate the equipment, machine, device or thing or to work in the work place or the part thereof which is being investigated unless the worker to be so assigned has been advised of the refusal by another worker and the reason therefor.

Entitlement to time from work

(12) The time spent by a person mentioned in clause *a*, *b* or *c* of subsection 4 in carrying out his duties under subsections 4 and 7, shall be deemed to be work time for which the person shall be paid by his employer at his regular or premium rate as may be proper.

PART VI

REPRISALS BY EMPLOYER PROHIBITED

No discipline, dismissal, etc., by employer

24.—(1) No employer or person acting on behalf of an employer shall,

(*a*) dismiss or threaten to dismiss a worker;

(*b*) discipline or suspend or threaten to discipline or suspend a worker;

(*c*) impose any penalty upon a worker; or

(*d*) intimidate or coerce a worker,

because the worker has acted in compliance with this Act or the regulations or an order made thereunder or has sought the enforcement of this Act or the regulations. 1971, c. 43, s. 24 (5); 1973, c. 47, s. 17 (4); 1976, c. 79, s. 9 (1), *amended.*

Arbitration

(2) Where a worker complains that an employer or person acting on behalf of an employer has contravened subsection 1, the worker may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Ontario Labour Relations Board in which case any regulations governing the practice and procedure of the Board apply, with all necessary modifications, to the complaint.

Inquiry by Ontario Labour Relations Board
R.S.O. 1970, c. 232

(3) The Ontario Labour Relations Board may inquire into any complaint filed under subsection 2, and section 79 of *The Labour Relations Act*, except subsection 4*a*, applies with all necessary modifications, as if such section, except subsection 4*a*, is enacted in and forms part of this Act.

Idem

(4) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, sections 91, 92, 95, 97 and 98 of *The Labour Relations Act* apply, with all necessary modifications.

Onus of proof

(5) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, the burden of proof that an employer or person acting on behalf of an employer did not act contrary to subsection 1 lies upon the employer or the person acting on behalf of the employer. 1976, c. 79, s. 9 (2-5), *amended*.

Jurisdiction when complaint by Crown employee

(6) The Ontario Labour Relations Board shall exercise jurisdiction under this section on a complaint by a Crown employee that the Crown has contravened subsection 1.

Board may substitute penalty

(7) Where on an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, the Board determines that a worker has been discharged or otherwise disciplined by an employer for cause and the contract of employment or the collective agreement, as the case may be, does not contain a specific penalty for the infraction, the Board may substitute such other penalty for the discharge or discipline as to the Board seems just and reasonable in all the circumstances.

Exception
R.S.O. 1970, c. 351

(8) Notwithstanding subsection 2, a person who is subject to a rule or code of discipline under *The Police Act* shall have his complaint in relation to an alleged contravention of subsection 1 dealt with under that Act. *New*.

PART VII

NOTICES

Notice of death or injury

25.—(1) Where a person is killed or critically injured from any cause at a work place, the constructor, if any,

and the employer shall notify an inspector, and the committee, health and safety representative and trade union, if any, immediately of the occurrence by telephone, telegram or other direct means and the employer shall, within forty-eight hours after the occurrence, send to a Director a written report of the circumstances of the occurrence containing such information and particulars as the regulations may prescribe.

Preservation of wreckage

(2) Where a person is killed or is critically injured at a work place no person shall, except for the purpose of,

(*a*) saving life or relieving human suffering;

(*b*) maintaining an essential public utility service or a public transportation system; or

(*c*) preventing unnecessary damage to equipment or other property,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector. R.S.O. 1970, c. 274, s. 612; 1971, c. 43, s. 33; 1973, c. 47, s. 25, *amended*.

Notice of accident, explosion or fire causing injury

26.—(1) Where an accident, explosion or fire causes injury to a person at a work place whereby he is disabled from performing his usual work or requires medical attention, and such occurrence does not cause death or critical injury to any person, the employer shall give notice in writing, within four days of the occurrence, to a Director, and to the committee, health and safety representative and trade union, if any, containing such information and particulars as may be prescribed. R.S.O. 1970, c. 274, s. 613; 1971, c. 43, s. 34; 1973, c. 47, s. 30, *amended*.

Notice of occupational illness

(2) Where an employer is advised by a worker or by a person on behalf of the worker that the worker has an occupational illness, the employer shall give notice in writing, within four days of being so advised, to a Director and to the committee, health and safety representative and trade union, if any, containing such information and particulars as may be prescribed. 1971, c. 43, s. 34, *part, amended*.

Idem

(3) Subsection 2 applies, with all necessary modifications, where an employer is advised by a former worker of the employer or a person on behalf of such worker, that such worker has or had an occupational illness. *New*.

Accidents, explosions, etc., at a project site or mine

27. Where a notice or report is not required under section 25 or 26 and an accident, premature or unexpected

explosion, fire, flood or inrush of water, failure of any equipment, machine, device, article or thing, cave-in, subsidence, rockburst, or other incident as prescribed occurs at a project site, mine or mining plant, notice in writing of the occurrence shall be given to a Director and to the committee, health and safety representative and trade union, if any, by the constructor of the project or the owner of the mine or mining plant within two days of the occurrence containing such information and particulars as may be prescribed. R.S.O. 1970, c. 274, s. 614, *amended*.

PART VIII

ENFORCEMENT

Powers of inspector

28.—(1) An inspector may, for the purposes of carrying out his duties and powers under this Act and the regulations,

(*a*) subject to subsection 2, enter in or upon any work place at any time without warrant or notice;

(*b*) take up or use any machine, device, article, thing, material or biological, chemical or physical agent or part thereof;

(*c*) require the production of any drawings, specifications, licence, document, record or report, and inspect, examine and copy the same;

(*d*) upon giving a receipt therefor, remove any drawings, specifications, licence, document, record or report inspected or examined for the purpose of making copies thereof or extracts therefrom, and upon making copies thereof or extracts therefrom, shall promptly return the same to the person who produced or furnished them;

(*e*) conduct or take tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place and for such purposes, take and carry away such samples as may be necessary;

(*f*) in any inspection, examination, inquiry or test, be accompanied and assisted by or take with him any person or persons having special, expert or professional knowledge of any matter, take photographs, and take with him and use any equipment or materials required for such purpose;

(*g*) make inquiries of any person who is or was in a work place either separate and apart from another person or in the presence of any other person that are or may be relevant to an inspection, examination, inquiry or test;

(*h*) require that a work place or part thereof not be disturbed for a reasonable period of time for the purposes of carrying out an examination, investigation or test;

(*i*) require that any equipment, machine, device, article, thing or process be operated or set in motion or that a system or procedure be carried out that may be relevant to an examination, inquiry or test;

(*j*) require in writing an owner, constructor or employer to provide, at the expense of the owner, constructor or employer, a report bearing the seal and signature of a professional engineer stating,

(i) the load limits of a floor, roof or temporary work or part of a building, structure or temporary work,

(ii) that a floor, roof or temporary work is capable of supporting or withstanding the loads being applied to it or likely to be applied to it, or

(iii) that a floor, roof or temporary work, or part of a building, structure or temporary work is capable of supporting or withstanding all loads to which it may be subject without exceeding the allowable unit stresses for the materials used as provided under *The Building Code Act, 1974*; 1974, c. 74

(*k*) require in writing an owner of a mine or part thereof to provide, at his expense, a report in writing bearing the seal and signature of a professional engineer stating that the ground stability of, the mining methods and the support or rock reinforcement used in the mine or part thereof is such that a worker is not likely to be endangered; and R.S.O. 1970, c. 274, s. 618 (1) (*a*, *b*); 1971, c. 43, s. 8 (1); 1973, c. 47, s. 6 (1), *amended*.

(*l*) require in writing an employer to produce any record or information, or to provide, at the ex-

pense of the employer, a report or assessment, made or to be made by a person possessing such special, expert or professional knowledge or qualifications as are specified by the inspector, of any process or biological, chemical or physical agents or combination of such agents used or intended to be used in a work place, and the manner of use including,

(i) the ingredients thereof and their common or generic name or names,

(ii) the composition and the properties thereof,

(iii) the toxicological effect thereof,

(iv) the effect of exposure thereto whether by contact, inhalation or ingestion,

(v) the protective measures used or to be used in respect thereof,

(vi) the emergency measures used or to be used to deal with exposure in respect thereof, and

(vii) the effect of the use, transport and disposal thereof. *New.*

Entry to dwellings

(2) An inspector shall only enter a dwelling or that part of a dwelling actually being used as a work place with the consent of the occupier or under the authority of a search warrant issued under section 16 of *The Summary Convictions Act.* 1971, c. 43, s. 8 (4); 1973, c. 47, s. 6 (4).

R.S.O. 1970, c. 450

Representative to accompany inspector

(3) Where an inspector makes an inspection of a work place under the powers conferred upon him under subsection 1, the constructor, employer or group of employers shall afford a committee member representing workers or a health and safety representative, if any, or a worker selected by a trade union or trade unions, if any, because of his knowledge, experience and training, to represent it or them and, where there is no trade union, a worker selected by the workers because of his knowledge, training and experience to represent them, the opportunity to accompany the inspector during his physical inspection of a work place, or any part or parts thereof.

Consultation with workers

(4) Where there is no committee member representing workers, health and safety representative or worker selected under subsection 3, the inspector shall endeavour to consult during his physical inspection with a reasonable number of the

workers concerning matters of health and safety at their work.

(5) The time spent by a committee member representing workers, health and safety representative or worker selected in accordance with subsection 3 in accompanying an inspector during his physical inspection, shall be deemed to be work time for which he shall be paid by his employer at his regular or premium rate as may be proper. 1976, c. 79, s. 6 (1-3), *amended*. Entitlement to time from work

29.—(1) Where an inspector finds that a provision of this Act or the regulations is being contravened, he may order, orally or in writing, the owner, constructor, employer, or person whom he believes to be in charge of a work place or the person whom he believes to be the contravener to comply with the provision and may require the order to be carried out forthwith or within such period of time as the inspector specifies. R.S.O. 1970, c. 274, s. 618 (1), (*c*); 1971, c. 43, s. 10 (1); 1973, c. 47, s. 11 (1), *amended*. Orders by inspectors where non-compliance

(2) Where an inspector makes an oral order under subsection 1, he shall confirm the order in writing before leaving the work place. 1971, c. 43, s. 10 (2), *amended*. Idem

(3) An order made under subsection 1 shall indicate generally the nature of the contravention and where appropriate the location of the contravention. 1973, c. 47, s. 11 (2), *amended*. Contents of order

(4) Where an inspector makes an order under subsection 1 and finds that the contravention of this Act or the regulations is a danger or hazard to the health or safety of a worker he may, Orders by inspector where worker endangered

(*a*) order that any place, equipment, machine, device, article or thing or any process or material shall not be used until the order is complied with;

(*b*) order that work at the work place as indicated in the order shall stop until the order is complied with, or until the order to stop work is withdrawn or cancelled by an inspector;

(*c*) order that the work place where the contravention exists be cleared of workers and isolated by barricades, fencing or any other means suitable to prevent access thereto by a worker until the danger or hazard to the health or safety of a worker is

removed. 1971, c. 43, s. 10 (3), *amended*; 1973, c. 47, s. 11 (3, 4), *amended*.

Posting of notice

(5) Where an inspector makes an order under this section, he may affix to the work place, or to any equipment, machine, device, article or thing, a copy thereof or a notice in the prescribed form and no person, except an inspector, shall remove such copy or notice unless authorized to do so by an inspector. 1971, c. 43, s. 10 (4); 1973, c. 47, s. 11 (6), *amended*.

Idem

(6) Where an inspector makes an order in writing or issues a report of his inspection to an owner, constructor, employer or person in charge of the work place, the owner, constructor, employer or person in charge of the work place shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places at the work place where it is most likely to come to the attention of the workers and shall furnish a copy of such order or report to the health and safety representative and the committee, if any, and the inspector shall cause a copy thereof to be furnished to a person who has complained of a contravention of this Act or the regulations. 1976, c. 79, s. 7, *amended*.

No hearing required prior to making order

(7) An inspector is not required to hold or afford to an owner, constructor, employer or any other person an opportunity for a hearing before making an order. *New*.

Entry into barricaded area

30. Where an order is made under clause *c* of subsection 4 of section 29, no owner, constructor, employer or supervisor shall require or permit a worker to enter the work place except for the purpose of doing work that is necessary or required to remove the danger or hazard and only where the worker is protected from the danger or hazard. 1973, c. 47, s. 11 (4), *part*.

Injunction proceedings

31. In addition to any other remedy or penalty therefor, where an order made under subsection 4 of section 29 is contravened, such contravention may be restrained upon an *ex parte* application to a judge or local judge of the Supreme Court made at the instance of a Director. 1973, c. 47, s. 13 (2), *amended*.

Appeals from order of an inspector

32.—(1) Any employer, constructor, owner, worker or trade union which considers himself or itself aggrieved by any order made by an inspector under this Act or the regulations may, within fourteen days of the making thereof, appeal to a Director who shall hear and dispose of the appeal as promptly as is practicable.

(2) An appeal to a Director may be made in writing or orally or by telephone, but the Director may require the grounds for appeal to be specified in writing before the appeal is heard. Method

(3) The appellant, the inspector from whom the appeal is taken and such other persons as a Director may specify are parties to an appeal under this section. Parties

(4) On an appeal under this section, a Director may substitute his findings for those of the inspector who made the order appealed from and may rescind or affirm the order or make a new order in substitution therefor, and for such purpose has all the powers of an inspector and the order of the Director shall stand in the place of and have the like effect under this Act and the regulations as the order of the inspector. Powers of a Director

(5) In this section, an order of an inspector under this Act or the regulations includes any order or decision made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or the refusal to make an order or decision by an inspector. Order, extended meaning

(6) A decision of the Director under this section is final. 1971, c. 43, s. 11; 1973, c. 47, s. 12, *amended*. Decision of Director final

(7) On an appeal under subsection 1, a Director may suspend the operation of the order appealed from pending the disposition of the appeal. Suspension of order by Director pending disposition of appeal

(8) This section does not apply to the order of a Director made under section 20. *New*. Application

33.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act or the regulations. Obstruction of inspector

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination, testing or inquiry by an inspector in the exercise of his powers or performance of his duties under this Act or the regulations. Assistance to inspector

False information, etc.

(3) No person shall knowingly furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act or the regulations. 1971, c. 43, s. 9; 1973, c. 47, s. 7, *amended*.

Monitoring devices

(4) No person shall interfere with any monitoring equipment or device in a work place.

Obstruction of committee, etc.

(5) No person shall knowingly,

(*a*) hinder or interfere with a committee, a committee member or a health and safety representative in the exercise of a power or performance of a duty under this Act;

(*b*) furnish a committee, a committee member or a health and safety representative with false information in the exercise of a power or performance of a duty under this Act; or

(*c*) hinder or interfere with a worker selected by a trade union or trade unions or a worker selected by the workers to represent them in the exercise of a power or performance of a duty under this Act. *New*.

Information confidential

34.—(1) Except for the purposes of this Act and the regulations or as required by law,

(*a*) an inspector, a person accompanying an inspector or a person who, at the request of an inspector, makes an examination, test or inquiry, shall not publish, disclose or communicate to any person any information, material, statement, report or result of any examination, test or inquiry acquired, furnished, obtained, made or received under the powers conferred under this Act or the regulations; 1971, c. 43, s. 13 (1); 1973, c. 47, s. 8 (1), *amended*.

(*b*) no person shall publish, disclose or communicate to any person any secret manufacturing process or trade secret acquired, furnished, obtained, made or received under the provisions of this Act or the regulations; *New*.

(*c*) no person to whom information is communicated under this Act and the regulations shall divulge the name of the informant to any person; and 1971, c. 43, s. 13 (5); 1973, c. 47, s. 8 (5), *amended*.

(*d*) no person shall disclose any information obtained in any medical examination, test or x-ray of a worker made or taken under this Act except in a form calculated to prevent the information from being identified with a particular person or case. *New*.

Compellability, civil suit

(2) An inspector or a person who, at the request of an inspector, accompanies an inspector, or a person who makes an examination, test, inquiry or takes samples at the request of an inspector is not a compellable witness in a civil suit or any proceeding, except an inquest under *The Coroners Act, 1972*, respecting any information, material, statement or test acquired, furnished, obtained, made or received under this Act or the regulations. 1971, c. 43, s. 13 (3); 1973, c. 47, s. 8 (3), *amended*.

1972, c. 98

Power of Director to disclose

(3) A Director may communicate or allow to be communicated or disclosed information, material, statements or the result of a test acquired, furnished, obtained, made or received under this Act or the regulations. 1971, c. 43, s. 13 (4); 1973, c. 47, s. 8 (4), *amended*.

Copies of reports

35. A Director may, upon receipt of a request in writing from the owner of a work place who has entered into an agreement to sell the same and upon payment of the fee or fees prescribed, furnish to the owner or a person designated by him copies of reports or orders of an inspector made under this Act in respect of the work place as to its compliance with subsection 1 of section 18. 1971, c. 43, s. 14, *amended*.

Liability of certain persons

36.—(1) No action or other proceeding for damages, prohibition, or mandamus lies or shall be instituted against a Director, an inspector, an engineer of the Ministry, a health and safety representative, a committee member, a worker selected by a trade union or trade unions or a worker selected by the workers to represent them for an act or an omission done or omitted to be done by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Liability of Crown

R.S.O. 1970, c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a Director, an inspector or an engineer of the Ministry to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1971, c. 43, s. 16; 1973, c. 47, s. 9, *amended*.

PART IX

OFFENCES AND PENALTIES

Penalties

37.—(1) Every person who contravenes or fails to comply with,

(*a*) a provision of this Act or the regulations;

(*b*) an order or requirement of an inspector or a Director; or

(*c*) an order of the Minister,

is guilty of an offence and on summary conviction is liable to a fine of not more than $25,000 or to imprisonment for a term of not more than twelve months, or to both.

Defence

(2) On a prosecution for a failure to comply with,

(*a*) subsection 1 of section 13;

(*b*) clause *b*, *c* or *d* of subsection 1 of section 14; or

(*c*) subsection 1 of section 16,

it shall be a defence for the accused to prove that every precaution reasonable in the circumstances was taken. R.S.O. 1970, c. 274, s. 625; 1971, c. 43, s. 36; 1973, c. 47, s. 26, *amended*.

Accused liable for acts or neglect of managers, agents, etc.

(3) In a prosecution of an offence under any provision of this Act, any act or neglect on the part of any manager, agent, representative, officer, director or supervisor of the accused, whether a corporation or not, shall be the act or neglect of the accused. *New*.

Certified copies of documents, etc., as evidence

38.—(1) In any proceeding or prosecution under this Act,

(*a*) a copy of an order or decision purporting to have been made under this Act or the regulations and purporting to have been signed by the Minister or an inspector;

(*b*) a document purporting to be a copy of a notice, drawing, record or other document, or any extract therefrom given or made under this Act or the regulations and purporting to be certified by an inspector; or

(*c*) a document purporting to certify the result of a test or an analysis of a sample of air and setting

forth the concentration or amount of a biological, chemical or physical agent in a work place or part thereof and purporting to be certified by an inspector,

is evidence of the order, decision, writing or document, and the facts appearing in the order, decision, writing or document without proof of the signature or official character of the person appearing to have signed the order or the certificate and without further proof. 1971, c. 43, s. 41; 1973, c. 47, s. 27, *amended*.

Service of orders and decisions

(2) In any proceeding or prosecution under this Act, a copy of an order or decision purporting to have been made under this Act or the regulations and purporting to have been signed by the Minister, a Director or an inspector may be served,

(*a*) personally in the case of an individual or in case of a partnership upon a partner, and in the case of a corporation, upon the president, vice-president, secretary, treasurer or a director, or upon the manager or person in charge of the work place; or

(*b*) by registered letter addressed to a person or corporation mentioned in clause *a* at his or its last known place of business,

and the same shall be deemed to be good and sufficient service thereof. *New*.

Place of trial

39. An information in respect of an offence under this Act may, at the election of the informant, be heard, tried and determined by the Provincial Court having jurisdiction in the county or district in which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district. 1973, c. 47, s. 28, *amended*.

Limitation on prosecutions

40. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred. 1971, c. 43, s. 37.

PART X

REGULATIONS

Regulations

41.—(1) The Lieutenant Governor in Council may make such regulations as are advisable for the health or safety

of persons in or about a work place. 1971, c. 43, s. 45 (1); 1973, c. 47, s. 31 (1), *amended*.

Idem

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

1. defining any word or expression used in this Act or the regulations that is not defined in this Act;

2. designating or defining any industry, work place, employer or class of work places or employers for the purposes of this Act, a part of this Act, or the regulations or any provision thereof;

3. exempting any work place, industry, activity, business, work, trade, occupation, profession, constructor, employer or any class thereof from the application of a regulation or any provision thereof;

4. limiting or restricting the application of a regulation or any provision thereof to any work place, industry, activity, business, work, trade, occupation, profession, constructor, employer or any class thereof;

5. respecting any matter or thing that is required or permitted to be regulated or prescribed under this Act;

6. respecting any matter or thing, where a provision of this Act requires that the matter or thing be done, used or carried out or provided as prescribed;

7. respecting any matter or thing, where it is a condition precedent that a regulation be made prescribing the matter or thing before this Act or a provision of this Act has any effect;

8. providing for and prescribing fees and the payment or refund of fees;

9. regulating or prohibiting the installation or use of any machine, device or thing or any class thereof;

10. requiring that any equipment, machine, device, article or thing used bear the seal of approval of an organization designated by the regulations to test and approve the equipment, machine, device, article or thing and designating organizations for such purposes;

11. respecting the reporting by physicians and others of workers affected by any biological, chemical or physical agents or combination thereof;

12. regulating or prohibiting atmospheric conditions to which any worker may be exposed in a work place;

13. prescribing methods, standards or procedures for determining the amount, concentration or level of any atmospheric condition or any biological, chemical or physical agent or combination thereof in a work place;

14. prescribing any biological, chemical or physical agent or combination thereof as a designated substance;

15. prohibiting, regulating, restricting, limiting or controlling the handling of, exposure to, or the use and disposal of any designated substance;

16. adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and requiring compliance with any code or standard that is so adopted;

17. adopting by reference any criteria or guide in relation to the exposure of a worker to any biological, chemical or physical agent or combination thereof;

18. enabling the Director by notice in writing to designate that any part of a project shall be an individual project for the purposes of this Act and the regulations and prescribing to whom notice shall be given;

19. permitting the Minister to approve laboratories for the purpose of carrying out and performing sampling, analyses, tests, and examinations, and requiring that sampling, analyses, examinations, and tests be carried out and performed by a laboratory approved by the Minister;

20. requiring and providing for the registration of employers of workers;

21. providing for the establishment, equipment, operation and maintenance of mine rescue stations, as the Minister may direct, and providing for the payment of the cost thereof and the recovery of such cost from the mining industry;

22. prescribing forms and notices and providing for their use; and

23. prescribing building standards for industrial establishments. 1971, c. 43, s. 45 (2); 1973, c. 47, s. 31 (2), *amended*.

Repeals

42. The following are repealed:

1. *The Construction Safety Act, 1973*, being chapter 47.

2. *The Industrial Safety Act, 1971*, being chapter 43.

3. *The Industrial Safety Amendment Act, 1972*, being chapter 122.

4. *The Industrial Safety Amendment Act, 1974*, being chapter 104.

5. Part IX of *The Mining Act*, being chapter 274 of the Revised Statutes of Ontario, 1970, except sections 176, 611 and 616.

6. *The Silicosis Act*, being chapter 438 of the Revised Statutes of Ontario, 1970.

7. Section 78 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

8. *The Employees' Health and Safety Act, 1976*, being chapter 79.

9. Section 10 of *The Ministry of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970.

Commencement

43. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

44. The short title of this Act is *The Occupational Health and Safety Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Occupational Health and Occupational
Safety of Workers

1st Reading

February 21st, 1978

2nd Reading

February 21st, 1978

3rd Reading

December 15th, 1978

THE HON. R. G. ELGIE
Minister of Labour

BILL 71

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Judicature Act

THE HON. R. MCMURTRY
Attorney General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 71 1978

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 127 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is amended by adding at the commencement thereof "Subject to subsections 2 to 9". s. 127, amended

(2) The said section 127 is further amended by adding thereto the following subsections: s. 127, amended

(2) The Regional Municipality of Ottawa-Carleton, The United Counties of Prescott and Russell, the United Counties of Stormont, Dundas and Glengarry and the Territorial Districts of Algoma, Cochrane, Nipissing, Sudbury and Timiskaming and such additional counties and districts as are designated by the Lieutenant Governor in Council under subsection 3 are designated counties and districts for the purposes of this section. Designated counties and districts

(3) The Lieutenant Governor in Council may designate, Designation of courts and additional counties and districts

(*a*) counties and districts in addition to those named in subsection 2; and

(*b*) courts in a designated county or district,

for the purposes of this section.

(4) In a proceeding in a designated court, or in any court to which an appeal therefrom is made, the court shall, upon the application of a party who speaks the French language, direct that the hearing in the proceeding be conducted before a judge who speaks both the English and French languages or, where there is a jury, before a judge and jury who speak both the English and French languages. Bilingual trier of fact

Time of application

(5) Except by leave of the court, an application under subsection 4 shall be made,

(*a*) where the proceeding is in the Supreme Court or a county or district court before the giving of a jury notice or, if none, before the proceeding is set down for trial;

(*b*) where the proceeding is in a court other than the Supreme Court or a county or district court, before the hearing of any evidence in the proceeding.

Hearing in French language

(6) Where an application is made under subsection 4 and in addition to a direction made thereunder, the court may direct,

(*a*) that the hearing or any part of the hearing be in the French language if, in the opinion of the court the hearing or part can be so conducted effectually and

(*b*) that subsection 7 apply to oral evidence given in examinations for discovery or in any other pre hearing stage of the proceeding.

Evidence recorded in French

(7) Evidence given in the French language in a proceeding in respect of which a direction is made under this section shall be received and recorded in the French language and shall be transcribed in that language for all purposes.

Pleadings in French

(8) Any document filed by a party in a proceeding in a small claims court in a designated county or district may be in the French language.

Bilingual forms

(9) The Lieutenant Governor in Council may make regulations prescribing forms of documents or of parts of documents in both the English and the French languages for use in or relating to proceedings in designated courts and requiring their use.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Judicature Amendment Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 26 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

The Judicature Act

1st Reading

April 25th, 1978

2nd Reading

May 11th, 1978

3rd Reading

May 26th, 1978

THE HON. R. MCMURTRY
Attorney General

1978

BILL 72 Pauline Eg. Eg. Ge. Ho

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Juries Act, 1974

THE HON. R. MCMURTRY
Attorney General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 72 1978

An Act to amend The Juries Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as llows:

1. Section 8 of *The Juries Act, 1974*, being chapter 63, is amended by adding thereto the following subsection: s. 8, amended

(1*a*) Where the county or Supreme Court is designated in a county or district under section 127 of *The Judicature Act*, the jury roll prepared under subsection 1 shall be divided into two parts and, English and bilingual jury rolls R.S.O. 1970, c. 228

(*a*) in one part the sheriff shall include those persons who appear, by the returns to jury service notices, to speak, read and understand the English language; and

(*b*) in the other part the sheriff shall include those persons who appear, by the returns to jury service notices, to speak, read and understand both the English and the French languages.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Juries Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 26 1978

CLERK
LEGISLATIVE ASSEMBLY

The Juries Act, 1974

1st Reading

April 25th, 1978

2nd Reading

May 11th, 1978

3rd Reading

May 11th, 1978

THE HON. R. MCMURTRY
Attorney General

1978

BILL 76 1 amd. in Leg. Leg. S. Ho

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Change of Name Act

THE HON. R. MCMURTRY
Attorney General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 76 1978

An Act to amend The Change of Name Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Change of Name Act*, being chapter 60 of the Revised Statutes of Ontario, 1970, is repealed. s. 3 (2), repealed

2. An order effecting a change of name made before this Act comes into force is not invalid for the reason only that the applicant was a minor. Orders previously made

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is *The Change of Name Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 26 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

The Change of Name Act

1st Reading

April 27th, 1978

2nd Reading

May 11th, 1978

3rd Reading

May 11th, 1978

THE HON. R. MCMURTRY
Attorney General

1978

BILL 77 1st reading May 4, 1978

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Corporations Act

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 77 **1978**

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, is repealed. s. 17, repealed

2. Subsection 13 of section 169 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 2 and amended by 1973, chapter 104, section 2, is further amended by inserting after "plan" in the third line "or under a contract to which the Fire Mutuals Guarantee Fund is applicable in accordance with section 143 of *The Insurance Act*". s. 169 (13), amended

3. Clause *a* of section 346 of the said Act is repealed and the following substituted therefor: s. 346 (*a*), re-enacted

(*a*) occupies and uses a house, room or place as a club that, except for clause *a* of subsection 2 of section 179 of the *Criminal Code* (Canada) would be a common gaming house as defined in subsection 1 thereof; or R.S.C. 1970, c. C-34

. . . . .

4. Section 382 of the said Act is repealed. s. 382, repealed

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. The short title of this Act is *The Corporations Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 26, 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Corporations Act

1st Reading

April 28th, 1978

2nd Reading

May 11th, 1978

3rd Reading

May 11th, 1978

THE HON. L. GROSSMAN
Minister of Consumer and
Commercial Relations

BILL 80 1st rdg. Leg. Leg. S. Ltr.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Act

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 80 **1978**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 13*a* of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 124, section 1, and amended by 1973, chapter 175, section 1, and 1976, chapter 51, section 1, is repealed and the following substituted therefor: s. 1, par. 13*a*, re-enacted

13*a*. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs, except that in sections 361, 443, 450 and 461 "Minister" means the Minister of Housing.

2. Subsection 22 of section 24 of the said Act is repealed and the following substituted therefor: s. 24 (22), re-enacted

(22) The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and thereafter the first meeting of the Board after a regular election shall be held not later than the second Tuesday in December, and the day and the hour for holding the meeting shall be fixed by by-law. Meetings

3. Section 27*b* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 83, section 1, is amended by adding thereto the following subsection: s. 27*b*, amended

(4) A by-law for any of the purposes mentioned in subsection 1 of this section or subsection 1 of section 27*a* or a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*. Time for passing by-law 1977, c. 62

s. 28 (4), re-enacted

4.—(1) Subsection 4 of section 28 of the said Act is repealed and the following substituted therefor:

When and how by-law to be passed

(4) A by-law for any of the purposes mentioned in subsections 1 and 2 and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed unless it has received the assent of the municipal electors.

1977, c. 62

s. 28 (6), re-enacted

(2) Subsection 6 of the said section 28 is repealed and the following substituted therefor:

Submission of by-law on petition of electors

(6) Subject to subsections 3 and 7, where the petition of at least one-fifth of the municipal electors is presented praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause *c* of subsection 1, or where a petition of not less than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection 2, or for the repeal of a by-law passed under this subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition.

Time for presentation of petition

(7) A petition for any of the purposes mentioned in subsection 6 shall, in an election year, be presented not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*.

s. 30 (5), re-enacted

5.—(1) Subsection 5 of section 30 of the said Act is repealed and the following substituted therefor:

Time for passing by-laws; assent of electors

(5) A by-law passed under section 29 or under subsection 2 or 3 of this section, and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed unless it has received the assent of the municipal electors.

s. 30 (7, 8), re-enacted

(2) Subsections 7 and 8 of the said section 30 are repealed and the following substituted therefor:

(7) Subject to subsections 4 and 9, where a petition of not less than one-fifth of the municipal electors is presented praying for the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the prayer of the petition. Submission of question on petition of electors

(8) Subject to subsections 4 and 9, where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors shall submit the question of repealing the by-law to a vote of the electors at the next ensuing municipal election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the prayer of the petition. Submission of question of repeal

(9) A petition presented under subsection 7 or 8 shall, in an election year, be presented not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*. Time for presentation of petition 1977, c. 62

6.—(1) Subsection 3 of section 32 of the said Act is repealed and the following substituted therefor: s. 32 (3), re-enacted

(3) A by-law for the purpose mentioned in subsection 2 and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall take effect at and for the purpose of the municipal election next after the passing of it. Time for passing by-law

(2) Subsection 8 of the said section 32 is repealed and the following substituted therefor: s. 32 (8), re-enacted

(8) A by-law for the purpose mentioned in subsection 6 and a by-law repealing any such by-law shall, in an election year, be passed not later than thirty days prior to the last day for posting notice of the offices for which persons may be nominated in accordance with *The Municipal Elections Act, 1977*, and such by-law shall not be passed until it has received the assent of the municipal electors. Time for passing, assent of electors

s. 35, re-enacted

7. Section 35 of the said Act, as re-enacted by the Statutes o Ontario, 1976, chapter 51, section 2, is repealed and th following substituted therefor:

Qualification of candidates

35. Every person is qualified to hold office as a membe of a council of a local municipality,

1977, c. 62

(*a*) who is entitled to be an elector under section 1 or 13 of *The Municipal Elections Act, 1977* fo the election of members of the council; and

(*b*) who is not disqualified by this or any other Ac from holding such office.

s. 44, amended

8. Section 44 of the said Act, as re-enacted by the Statutes o Ontario, 1972, chapter 121, section 11, is amended by addin thereto the following subsection:

Method of conducting lot

(6) For the purposes of subsection 5, "lot" means th method of determining the candidate to be excluded or th candidate to fill the vacancy, as the case may be, by placin the names of the candidates on equal size pieces of pap placed in a box and one name being drawn by a perso chosen by the clerk.

s. 184 (1), re-enacted

9.—(1) Subsection 1 of section 184 of the said Act, as amende by the Statutes of Ontario, 1972, chapter 169, section is repealed and the following substituted therefor:

First meeting of council, local municipality

(1) The first meeting of the council of a local municipali after a regular election shall be held not later than t second Tuesday in December, and the meeting shall be he at 11 o'clock in the forenoon or at such hour as may fixed by by-law.

s. 184 (2), re-enacted

(2) Subsection 2 of the said section 184 is repealed and t following substituted therefor:

county

(2) The first meeting of the council of a county after regular election shall be held after the councils of t municipalities that form part of the county for munici purposes have held their first meetings under subsection but in any event not later than the third Tuesday December, and the meeting shall be held at 2 o'clock the afternoon or at such hour as may be fixed by by-law.

s. 186 (1), re-enacted

10. Subsection 1 of section 186 of the said Act is repealed a the following substituted therefor:

(1) The council of a county shall, in each year of its term at its first meeting at which a majority of all the members is present, elect one of the members to be warden. Warden, election

11. Section 198 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 48, section 3, is repealed and the following substituted therefor: s. 198, re-enacted

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to a by-law for paying remuneration passed under section 388 or 389*a*. Prohibition as to member voting to appoint himself to office, etc.

12. Sections 205 and 211 of the said Act are repealed. ss. 205, 211, repealed

13. Section 217 of the said Act is repealed. s. 217, repealed

14. The said Act is amended by adding thereto the following section: s. 242*b*, enacted

242*b*.—(1) Where the council of a municipality is required by law to hear interested parties or to afford them an opportunity to be heard before doing any act, passing a by-law, or making a decision, the council may provide by by-law for a committee of the council to hear such parties or afford them an opportunity to be heard in the place and stead of the council, and, where a hearing is conducted or an opportunity to be heard is afforded by a committee under such a by-law in respect of any matter, the council may do the act, pass the by-law, or make the decision in respect of which the hearing was held or the opportunity for a hearing afforded without being required to hold a hearing or afford an opportunity for a hearing in respect of such matter. Hearings by committee authorized

(2) Upon the conclusion of a hearing conducted by a committee under a by-law passed pursuant to subsection 1, the committee shall as soon as practicable make a written report to the council summarizing the evidence and arguments presented by the parties, the findings of fact made by the committee and the recommendations, if any, of the committee with reasons therefor on the merits of the application in respect of which the hearing has been conducted. Report by committee

(3) After considering the report of the committee, the council may thereupon in respect of such application do any act, pass any by-law or make any decision that it might have done, passed or made had it conducted the hearing itself. Authority of council

Application of 1971, c. 47

(4) Where a committee conducts a hearing in respect of any matter pursuant to a by-law passed under this section, the provisions of sections 5 to 15 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* shall be deemed to apply to the committee and to the hearing conducted by it and those sections, except for section 24, do not apply to the council in the exercise of its power of decision in respect of such matter.

s. 336, amended

15. Section 336 of the said Act is amended by adding thereto the following subsection:

Use of lands owned by corporation

(6) The council of every corporation may pass by-laws providing for the use by the public of lands of which the corporation is the owner and for the regulation of such use and the protection of such lands.

s. 352, par. 60, amended

16.—(1) Paragraph 60 of section 352 of the said Act is amended by inserting after "thereof" in the fourth line "or of any works under, over, along, across or upon such highway or portion thereof".

s. 352, amended

(2) The said section 352 is amended by adding thereto the following paragraphs:

Liability insurance; payment of damages, etc.

67*a*. For contracting for insurance to protect the employees of the municipality or any local board thereof, or any class of such employees, against risks that may involve liability on the part of such employees or class thereof and for paying premiums therefor or for paying any damages or costs awarded against any such employees or class thereof or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees including while acting in the performance of any statutory duty imposed by any general or special Act or for paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such person in such an action or other proceeding.

Interpretation

(*a*) In this paragraph,

(i) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes a member of the police force of the municipality and any person or class of person designated as an employee by the Minister;

(ii) "local board" means a local board as defined in *The Municipal Affairs Act*.

R.S.O. 1970, c. 118

(*b*) A local board has the same powers to provide insurance for or to make payments to or on behalf of its employees as are conferred upon the council of a municipality under this paragraph in respect of its employees. Local boards

. . . . .

71*a*. For establishing, laying out and maintaining bicycle paths and for regulating the use thereof and for acquiring land for such purposes and for entering into agreements with other municipalities, including a regional, district or metropolitan municipality, or with the Crown in right of Ontario or the Crown in right of Canada, or with any person or any other body for the use of land for such purposes. Bicycle paths

(*a*) The power to acquire land under this paragraph does not include the power to enter on and expropriate land.

(3) Clause *b* of paragraph 74 of the said section 352 is repealed and the following substituted therefor: s. 352, par. 74 (*b*), re-enacted

(*b*) The council may authorize the erection of any such monument in any highway over which the corporation has jurisdiction.

17.—(1) Paragraph 45*a* of subsection 1 of section 354 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 136, section 15, is repealed and the following substituted therefor: s. 354 (1), par. 45*a*, re-enacted

45*a*. Notwithstanding paragraph 112, for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle or vehicles parked or left along any fire route so designated at the expense of the owner thereof. Designating fire routes and prohibiting parking thereon

(*a*) For the purposes of this paragraph, "private roadway" means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot.

(*b*) Clause *a* of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.

(*c*) Subsection 13 of section 116 of *The Highway Traffic Act* applies to a by-law passed under this paragraph. R.S.O. 1970, c. 202

(*d*) The driver of a motor vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

s. 354 (1), par. 95, re-enacted

(2) Paragraph 95 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Projections

95. For permitting window air-conditioners, cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at such height above the grade thereof as established by council as the council may provide in the by-law.

s. 354 (1), par. 123, re-enacted

(3) Paragraph 123 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Pits and quarries

123. For regulating the operation of pits and quarries within the municipality and for requiring the owners of pits and quarries that are located within such distance of a road as is specified in the by-law and that have not been in operation for a period of twelve consecutive months to level and grade the floor and sides thereof and such area beyond their edge or rim as is specified in the by-law so that they will not be dangerous or unsightly to the public.

s. 361, amended

18. Section 361 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 69, section 11, is further amended by adding thereto the following subsections:

Designation of enlarged improvement area

(17*a*) The council of a local municipality may pass by-laws for designating as an improvement area an area that includes all of an existing improvement area designated under subsection 1.

Application of subss. 2-5

(17*b*) Subsections 2, 3, 4 and 5 apply with necessary modifications to the passing of a by-law under subsection 17*a*.

When by-law comes into effect

(17*c*) Subject to subsection 18, a by-law passed under subsection 17*a* comes into effect on the 1st day of January next after its passing.

Board of Management continued

(17*d*) Where a by-law passed under subsection 17*a* comes into effect, the existing improvement area mentioned in the subsection is dissolved, but the Board of Management esta

lished for that improvement area is continued and shall be the Board of Management for the new improvement area designated under the by-law.

(17*e*) The provisions of this section that apply to a Board of Management under subsection 1 or to a council or municipal auditor in respect of such a Board apply with necessary modifications to a Board of Management continued under subsection 17*d* and to the council of a local municipality in respect of such a Board over which it has jurisdiction and to the auditor of the municipality in respect of such Board. Application

. . . . .

(20) The Minister and a local municipality may enter into agreements for the provision of loans or grants to the municipality on such terms or conditions as are agreed upon for the purpose of the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the municipality or in any defined area thereof and for the purposes mentioned in paragraph 72 of section 352. Minister of Housing may enter into agreements

19. Paragraph 7 of section 373 of the said Act is repealed. s. 373, par. 7, repealed

20. Section 374 of the said Act is repealed. s. 374, repealed

21. Section 388 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 48, section 7, is repealed and the following substituted therefor: s. 388, re-enacted

388.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may pass by-laws for paying remuneration to the members of council, and such remuneration may be determined in any manner that council considers advisable. Remuneration of councillors

(2) The remuneration to be paid may be determined in different manners and be of different amounts for different members of council. Idem

22. Section 389 of the said Act is repealed and the following substituted therefor: s. 389, re-enacted

389.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying in whole or in part such expenses of the members of council and of the officers and servants of the municipality as are actually incurred as a result of their acting either within or outside the municipality in their capacity Expenses

as members of council or officers of the municipal corporation or as officers or servants of the municipality and as are authorized by the by-law.

Maximum amounts

(2) A by-law passed under subsection 1 may set maximum amounts or rates that may be paid in respect of any expense for which payment is authorized by the by-law.

Remuneration of council members as local board members

R.S.O. 1970, c. 118

389a.—(1) Notwithstanding the provisions of any general or special Act, the council of a municipality may pass by-laws for paying remuneration to a member of council or other person who has been appointed by the council to serve as a member of a local board, as defined in *The Municipal Affairs Act*, or of any other body, in respect of his services as a member of that board, or other body, and to a member of council who serves pursuant to this or any other general or special Act, as an *ex officio* member of such a local board or other body, and such remuneration may be determined in any manner that council deems advisable.

Interpretation

(2) For the purposes of subsection 1 and sections *389b*, *389d* and *389e* "other body" does not include a county, or a regional, district or metropolitan municipality or the County of Oxford.

Application of s. 388 (2)

(3) Subsection 2 of section 388 applies with necessary modifications to a by-law passed under subsection 1 for paying remuneration to persons mentioned in that subsection.

Interpretation

(4) In subsection 1, "local board" or "other body" does not include a public utilities commission or a hydro-electric commission.

Expenses of council members as local board members

389b. Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying such expenses of persons mentioned in subsection 1 of section *389a* as are actually incurred as a result of their acting in their capacity as members of the local board or other body and as are authorized by the by-law and subsection 2 of section 389 applies with necessary modifications to a by-law passed under this section.

Remuneration or expenses not to be paid by local board

389c. Notwithstanding the provisions of any general or special Act, no remuneration or expenses shall be paid by a local board to a person mentioned in subsection 1 of section *389a* or subsection 1 of section *389e* in respect of his membership on the local board.

389d.—(1) The treasurer of every municipality shall on or before the 28th day of February in each year submit to the council of the municipality an itemized statement of the remuneration and expenses paid to each member of council in respect of his services as a member of council or an officer of the municipal corporation in the preceding year and to each person mentioned in subsection 1 of section *389a* in respect of his services as a member of the local board or other body in the preceding year. Statement by treasurer

(2) A statement submitted under subsection 1 shall also indicate the by-law and the statutory provision under the authority of which the remuneration or expenses were paid. Idem

389e.—(1) Where two or more municipalities are to be considered as one municipality for the purpose of appointing one or more persons as a member of a local board or other body, those municipalities may by agreement provide for determining and paying the remuneration and expenses of such persons and for apportioning the costs of the payment among each of them. Agreement re expenses

(2) Sections *389a* and *389b* apply with necessary modifications to the powers conferred on the two or more municipalities mentioned in subsection 1, and section *389d* applies with necessary modifications to the treasurer of each of such two or more municipalities. Application of ss. *389a*, *389b*, *389d*

23. Section 390 of the said Act is repealed and the following substituted therefor: s. 390, re-enacted

390.—(1) The council of a municipality may pass by-laws for providing by contract with an insurer licensed under *The Insurance Act*, Accident, etc., insurance re members of council and local boards R.S.O. 1970, c. 224

(*a*) group accident insurance to indemnify any member of council or of a local board of the municipality, or his estate, against loss in case he is accidentally killed or injured; and

(*b*) group public liability and property damage insurance to indemnify any member of council or of a local board of the municipality, or his estate, in respect of loss or damage for which he has become liable by reason of injury to persons or property or in respect of loss or damage suffered by him by reason of injury to his own property,

while travelling on the business of the corporation or the local board or in the performance of his duties as a member

of council or of the local board either within or outside the municipality.

Idem

(2) Where a local board is composed of members appointed by the councils of two or more municipalities, each council shall have in respect of the members appointed by it all the powers for providing insurance for a member of a local board that are conferred on a council by subsection 1.

s. 391, re-enacted

24. Section 391 of the said Act is repealed and the following substituted therefor:

Remuneration and expenses for certain local board members R.S.O. 1970, c. 118

391. Notwithstanding any other general or special Act, a local board, as defined in *The Municipal Affairs Act*, of a municipality, may provide for the payment of such salary expenses or allowances for the members thereof that do no come within the class of persons mentioned in subsection of section 389*a*, as may be established by the council of th municipality or, where more than one municipality is con cerned, by the council designated by the Ministry.

s. 394, re-enacted

25. Section 394 of the said Act, as re-enacted by the Statutes o Ontario, 1973, chapter 83, section 8, is repealed and th following substituted therefor:

Expenses for entertaining guests

394. Notwithstanding the provisions of any general o special Act, the council of any municipality may expend i any year such sum as it may determine for the receptio or entertainment of persons of distinction or the celebratio of events or matters of national or international interest c importance.

s. 413 (1), re-enacted

26. Subsection 1 of section 413 of the said Act is repealed an the following substituted therefor:

Assuming highway in adjacent municipality as a public highway or walk

(1) The council of a local municipality may pass by-laws fo assuming for the purpose of a public avenue or walk an highway in an adjacent local municipality and for acquirin so much land on either side of such highway as may b required to increase its width.

s. 457 (4) (*c*), re-enacted

27. Clause *c* of subsection 4 of section 457 of the said Act repealed and the following substituted therefor:

(*c*) authorizing and regulating the planting, with th consent of the owner, of shade or ornamental tre adjacent to any highway at the expense of th municipality, and any tree planted under the autho ity of any such by-law is the property of the own

of the land in which it is planted, and the municipality is not liable for maintenance or otherwise in respect of any tree so planted.

28.—(1) Paragraph 9 of section 460 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 175, section 7, is amended by inserting after "specified" in the sixth line "provided such regulation is not in conflict with *The Highway Traffic Act* and the regulations thereunder". s. 460, par. 9, amended R.S.O. 1970, c. 202

(2) The said section 460 is amended by adding thereto the following paragraphs: s. 460, amended

10. For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally for use by bicycles and for prohibiting and regulating the use thereof by vehicles other than bicycles to such extent and for such period or periods as may be specified, provided such regulation is not in conflict with *The Highway Traffic Act* and the regulations thereunder. Establishment of bicycle lanes

11. Before passing a by-law under paragraph 9 or 10 for designating a lane on a road as a lane solely or principally for the use of public transit motor vehicles or bicycles, notice of the proposed by-law shall be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality and the notice shall indicate the date and time of the meeting at which the council will consider the passing of the proposed by-law. Notice of proposed by-law

(*a*) This paragraph does not apply so as to affect the validity of a by-law heretofore passed under paragraph 9.

29. The said Act is further amended by adding thereto the following section: s. 470*c*, enacted

470*c*. This Part applies with necessary modifications to by-laws passed by the council of a municipality or by a board of commissioners of police under any other general or special Act except as otherwise provided in such Act. Application of Part XXI

30. Subsection 2 of section 472 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 16, is repealed and the following substituted therefor: s. 472 (2), re-enacted

(2) The first meeting of the trustees after the election shall be held at noon on a day not later than the second Tuesday in December. First meeting of trustees

s. 474, re-enacted

31. Section 474 of the said Act is repealed and the following substituted therefor:

Remuneration

474.—(1) Any trustee may be paid such remuneration or expenses as is provided by the trustees who shall have all the powers of a council of a municipality under sections 388 and 389.

Application of s. 389*d*

(2) Section 389*d* applies with necessary modifications to the trustees of a police village.

s. 487 (1), amended

32.—(1) Subsection 1 of section 487 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 56, section 13, is further amended by striking out "and" at the end of clause *k* and by adding thereto the following clauses:

(*m*) fire or fire prevention, by paragraphs 29, 34, 35, 37, 39, 40 and 44 of subsection 1 of section 354;

(*n*) gunpowder by paragraph 9 of subsection 1 of section 354; and

(*o*) rubbish, refuse or debris, by paragraph 70 of subsection 1 of section 354, and paragraph 5 of section 460.

s. 487 (4), repealed

(2) Subsection 4 of the said section 487 is repealed.

ss. 489-492, repealed

33. Sections 489, 490, 491 and 492 of the said Act are repealed.

s. 493, re-enacted

34. Section 493 of the said Act is repealed and the following substituted therefor:

Application of s. 466

493. Section 466 applies with necessary modifications to by-laws passed under subsection 1 of section 487 by the trustees of a police village.

s. 495 (1), re-enacted

35. Subsection 1 of section 495 of the said Act is repealed and the following substituted therefor:

Appointment of chairman and secretary

(1) At its first meeting in each year of its term, the board shall appoint one of its members to be the chairman and shall also appoint a secretary.

Commencement

36. This Act comes into force on the day it receives Royal Assent.

Short title

37. The short title of this Act is *The Municipal Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR June 20, 1978

Roderick Lewis

An Act to amend
The Municipal Act

1st Reading

May 11th, 1978

2nd Reading

May 30th, 1978

3rd Reading

June 13th, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 81 1st rdg. 2nd rdg. 3rd rdg.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend certain Acts respecting Regional Municipalities

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

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BILL 81 1978

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1.—(1) Subsection 2 of section 4 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor: s. 4 (2), re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(2) Subsection 5 of the said section 4, as amended by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor: s. 4 (5), re-enacted

(5) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

s. 8 (2, 3), re-enacted

2. Subsections 2 and 3 of section 8 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 4, are repealed and the following substituted therefor:

First meeting of area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting of Regional Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 12, repealed

3. Section 12 of the said Act is repealed.

s. 13 (3), repealed

4. Subsection 3 of section 13 of the said Act is repealed.

s. 14 (2), repealed

5. Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1), re-enacted

6. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e* and 390 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 67*b* (4), repealed

7. Subsection 4 of section 67*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 14, is repealed.

s. 69 (5), re-enacted

8. Subsection 5 of section 69 of the said Act is repealed and the following substituted therefor:

Regional Corporation deemed municipality under R.S.O. 1970, c. 349

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 30, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

9. The said Act is amended by adding thereto the following section: s. 69*b*, enacted

69*b*. The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Ottawa-Carleton Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality R.S.O. 1970, c. 349

10. Subsection 2 of section 77 of the said Act is repealed. s. 77 (2), repealed

11. Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 6, is repealed and the following substituted therefor: s. 124 (1), re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, sections 391 and 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

12.—(1) Where in the year 1978 an area municipality has not complied with section 17 of *The Municipal Elections Act, 1977*, the clerk of the area municipality shall divide the municipality into polling subdivisions and shall, not later than the 1st day of July, 1978, inform the assessment commissioner of the boundaries of each subdivision. Polling subdivisions 1977, c. 62

(2) Notwithstanding clause *a* of section 18 of *The Municipal Elections Act, 1977*, where in 1976 an area municipality authorized the use of voting recorders at the municipal elections held in that year, the clerk of the area municipality may for the purposes of the municipal elections to be held in 1978 divide the municipality into polling subdivisions that contain more than 350 electors. Size of polling subdivisions

13.—(1) This Part, except section 8, comes into force on the day this Act receives Royal Assent. Commencement

(2) Section 8 shall be deemed to have come into force on the 1st day of January, 1969. Idem

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

14. Section 4 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed. s. 4, repealed

s. 7 (3), re-enacted

15.—(1) Subsection 3 of section 7 of the said Act is repealed and the following substituted therefor:

Election of chairman

(3) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 19 shall preside until the chairman is elected.

s. 7 (5), re-enacted

(2) subsection 5 of the said section 7 is repealed and the following substituted therefor:

Failure to elect chairman

(5) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 9 (2, 3), re-enacted

16. Subsections 2 and 3 of section 9 of the said Act are repealed and the following substituted therefor:

First meeting of area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting of Regional Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 13, repealed

17. Section 13 of the said Act is repealed.

s. 14 (2), repealed

18. Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1), re-enacted

19. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

20. Subsection 2 of section 91 of the said Act is repealed and the following substituted therefor: s. 91 (2), re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Niagara Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality R.S.O. 1970, c. 349

21. Subsection 5 of section 92 of the said Act is repealed and the following substituted therefor: s. 92 (5), re-enacted

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act*, and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. Regional Corporation deemed municipality under R.S.O. 1970, c. 349

22. Subsection 2 of section 97 of the said Act is repealed. s. 97 (2), repealed

23. Subsection 3 of section 109 of the said Act is repealed and the following substituted therefor: s. 109 (3), re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act* to members of the Niagara Police Board appointed by the Lieutenant Governor in Council. Remuneration R.S.O. 1970, c. 351

24. Clause *b* of subsection 1 of section 110 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 77, section 2, is repealed and the following substituted therefor: s. 110 (1) (*b*), re-enacted

(*b*) *The Police Act*, except section 68, does not apply to any area municipality; and

. . . . .

25. Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 10, is repealed and the following substituted therefor: s. 154 (1), re-enacted

Application of R.S.O. 1970, c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, paragraph 61 of subsection 1 of section 354, section 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commencement

26.—(1) This Part, except sections 20, 21 and 24, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 20, 21 and 24 shall be deemed to have come into force on the 1st day of January, 1970.

PART III

THE REGIONAL MUNICIPALITY OF YORK

s. 3, amended

27. Section 3 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 2, 1976, chapter 43, section 27 and 1977 chapter 34, section 11, is further amended by adding thereto the following subsection:

Composition of council of Town of Markham

(1*a*) Notwithstanding paragraph 2 of subsection 1, on and after the 1st day of December, 1978 the council of the Town of Markham shall, in addition to the mayor, be composed of ten members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3*a*, seven members elected by wards.

s. 4, repealed

28. Section 4 of the said Act is repealed.

s. 7, re-enacted

29. Section 7 of the said Act is repealed and the following substituted therefor:

Composition of Regional Council

7. The Regional Council shall consist of eighteen members composed of a chairman and,

(*a*) the head of the council of each area municipality;

(*b*) three members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and of the council of such area municipality;

(*c*) one member of the council of the area municipality of the Town of Newmarket who has been elected as a member of the Regional Council and of the council of such area municipality;

(*d*) two members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and of the council of such area municipality;

(*e*) one member of the council of the area municipality of the Town of Vaughan who has been elected as a member of the Regional Council and of the council of such area municipality;

(*f*) one member of the council of the area municipality of the Township of Georgina who has been elected as a member of the Regional Council and of the council of such area municipality.

30.—(1) Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor: s. 8 (2), re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 19 shall preside until the chairman is elected. Election of chairman

(2) Subsection 4 of the said section 8 is repealed and the following substituted therefor: s. 8 (4), re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

31. Subsections 2 and 3 of section 9 of the said Act are repealed and the following substituted therefor: s. 9 (2, 3), re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day First meeting of area councils

following the day on which the term of office in respect of which the election was held commences.

First meeting of Regional Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 11 (1), amended

32. Subsection 1 of section 11 of the said Act is amended by striking out "Nine" in the first line and inserting in lieu thereof "Ten".

s. 13, repealed

33. Section 13 of the said Act is repealed.

s. 14 (2), repealed

34. Subsection 2 of section 14 of the said Act is repealed.

s. 18 (1), re-enacted

35. Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388 389, 389*a* to 389*e* and sections 390 and 391 of *The Municipa Act* apply with necessary modifications to the Regiona Corporation.

s. 55 (2), re-enacted

36. Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 75, section 3, is repealec and the following substituted therefor:

Contracts for disposal of sewage, etc., Regional Corporation

(2) The Regional Corporation and any local, regional o metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage anc land drainage from the local, regional or metropolitar municipality or from the Regional Area on such terms anc conditions as may be agreed upon for any period not ex ceeding twenty years, and may renew such contract fron time to time for further periods not exceeding twent years at any one time.

Contracts for disposal of land drainage, area municipalities

(2*a*) Subject to the approval of the Regional Counci an area municipality and any local, regional or metropolita municipality outside the Regional Area may enter into contract to receive and dispose of land drainage from th local, regional or metropolitan municipality or from th area municipality on such terms and conditions as may b agreed upon for any period not exceeding twenty years, an may renew such contract from time to time for further perioc not exceeding twenty years at any one time.

37. Subsection 2 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (2), re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality R.S.O. 1970, c. 349

38. Subsection 5 of section 90 of the said Act is repealed and the following substituted therefor: s. 90 (5), re-enacted

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, subsection 12*a* of section 29, 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. Regional Corporation deemed municipality under R.S.O. 1970, c. 349

39. Section 94, and section 95 as amended by the Statutes of Ontario, 1972, chapter 78, section 10, of the said Act, are repealed and the following substituted therefor: s. 94, re-enacted s. 95, repealed

94.—(1) On the 1st day of July, 1978, the Regional Area health unit, and the York Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of The York Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by *The Public Health Act* and shall perform all the functions of such a board, and the functions that would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be. Regional Corporation to have powers, etc., of local board of health R.S.O. 1970, c. 377

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Public Health Act*. Regional Corporation deemed municipality

Non-application of R.S.O. 1970, c. 377, ss. 15, 17

(4) Section 15 of *The Public Health Act* does not apply to the Regional Corporation, and section 17 of that Act does not apply to the officer appointed under section 19 of this Act.

Non-application of R.S.O. 1970, c. 377, ss. 13, 35

(5) Sections 13 and 35 of *The Public Health Act* do not apply to an area municipality.

Regional Corporation deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 21 and 116 and subsections 2 and 5 of section 99 and Schedule B of *The Public Health Act*.

Deemed secretary of local board of health

(7) The officer appointed under section 19 shall be deemed to be the secretary of a local board for the purposes of sections 24 and 62 and subsection 2 of section 23, and subsection 7 of section 48 and Schedule B of *The Public Health Act*.

Application of R.S.O. 1970, c. 377, ss. 33, 96, 118 (2),

(8) For the purposes of sections 33 and 96 and subsection 2 of section 118 of *The Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1970, c. 377, s. 35

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 5 of section 35 of *The Public Health Act* employed by the Regional Corporation under subsection 13 shall be deemed to have been duly appointed under section 35 of *The Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1970, c. 377, s. 94 (1)

(10) For the purposes of subsection 1 of section 94 of *The Public Health Act*, a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Application of R.S.O. 1970, c. 377, ss. 125, 126

(11) The Regional Corporation may exercise the powers conferred by sections 125 and 126 of *The Public Health Act* and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures that under *The Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes the Regional Council may, by by-law direct the appropriate

area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of *The Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected under this subsection shall forthwith be paid over to the financial officer of the Regional Corporation.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who, on the 30th day of June, 1978, is employed by The York Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1979, of not less than he was receiving on the 30th day of June, 1978.

Application of s. 26 (2, 3, 5)

(14) Subsections 2, 3 and 5 of section 26 apply with necessary modifications to the Regional Corporation and to persons employed under subsection 13 as though such persons were employed on the 30th day of June, 1978, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection 13 was not employed under a collective agreement on the 30th day of June, 1978, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of The York Regional Board of Health.

Termination of employment

(16) Nothing in subsections 13, 14 and 15 prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 106 (3), re-enacted

40. Subsection 3 of section 106 of the said Act is repealed and the following substituted therefor:

Remuneration

R.S.O. 1970, c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council.

s. 107 (1) (*b*), re-enacted

41. Clause *b* of subsection 1 of section 107 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 75, section 4, is repealed and the following substituted therefor:

(*b*) *The Police Act*, except section 68, does not apply to any area municipality; and

. . . . .

s. 149 (1), re-enacted

42. Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 15, is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commencement

43.—(1) This Part, except sections 29, 32, 37, 38 and 41, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 37, 38 and 41 shall be deemed to have come into force on the 1st day of January, 1971.

Idem

(3) Sections 29 and 32 come into force on the 1st day of December, 1978.

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

s. 8 (3), re-enacted

44. Subsection 3 of section 8 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, as amended by the Statutes of Ontario, 1973, chapter 137, section 2, is repealed and the following substituted therefor:

Election of members to Regional Council

(3) The council of each area municipality, except the City of Waterloo, the City of Kitchener and the Township of Wilmot, shall at its first meeting after a regular election elect its members to the Regional Council.

s. 9 (2), re-enacted

45.—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Election of chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4), re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

46. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2, 3), re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences. First meeting of area councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. First meeting of Regional Council

47. Section 14 of the said Act is repealed. s. 14, repealed

48. Subsection 2 of section 15 of the said Act is repealed. s. 15 (2), repealed

49. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor: s. 19 (1), re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

50. The said Act is amended by adding thereto the following section: s. 81*a*, enacted

81*a*.—(1) The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway under the jurisdiction and control of the Regional Corporation for the construction, maintenance and use of buildings or parts thereof, over, across or under the highway upon such terms and conditions as may be agreed and for leasing or licensing the use of the air space over the highway or the lands under the highway Regional Council may enter into agreements respecting building above or beneath regional roads

to such persons and for such consideration and upon such terms and conditions as may be agreed.

Approval of Minister of Transportation and Communications
R.S.O. 1970, c. 201

(2) An agreement made under subsection 1 that affects a highway or a highway right-of-way that is a connecting link, within the meaning of section 19 of *The Public Transportation and Highway Improvement Act* shall have no effect until approved by the Minister of Transportation and Communications.

s. 94 (2), re-enacted

51. Subsection 2 of section 94 of the said Act is repealed and the following substituted therefor:

Designated municipality
R.S.O. 1970, c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Waterloo Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

s. 95 (4), re-enacted

52. Subsection 4 of section 95 of the said Act is repealed and the following substituted therefor:

Regional Corporation deemed municipality under
R.S.O. 1970, c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 113 (3), re-enacted

53. Subsection 3 of section 113 of the said Act is repealed and the following substituted therefor:

Remuneration
R.S.O. 1970, c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Waterloo Police Board appointed by the Lieutenant Governor in Council.

s. 114 (1) (*b*), re-enacted

54. Clause *b* of subsection 1 of section 114 of the said Act is repealed and the following substituted therefor:

(*b*) *The Police Act*, except section 68, does not apply to any area municipality; and

. . . . .

55. Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 21, is repealed and the following substituted therefor: s. 158 (1), re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

56.—(1) This Part, except sections 51, 52 and 54, comes into force on the day this Act receives Royal Assent. Commencement

(2) Sections 51, 52 and 54 shall be deemed to have come into force on the 1st day of January, 1973. Idem

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

57. Subsection 3 of section 8 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as amended by the Statutes of Ontario, 1973, chapter 139, section 1, is repealed. s. 8 (3), repealed

58.—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor: s. 9 (2), re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4), re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

s. 10 (2, 3), re-enacted

59. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First meeting of area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting of Regional Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14, repealed

60. Section 14 of the said Act is repealed.

s. 15 (2), repealed

61. Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1), re-enacted

62. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 33 (2), re-enacted

63. Subsection 2 of section 33 of the said Act is repealed and the following substituted therefor:

Regional Council to be planning board; separate meeting not required

R.S.O. 1970, c. 349

(2) The Regional Council shall be the planning board of the Sudbury Planning Area and where the Regional Council meets in respect of matters pertaining to *The Planning Act*, no separate meeting of the Council as a planning board is required.

s. 46 (3), re-enacted

64. Subsection 3 of section 46 of the said Act is repealed and the following substituted therefor:

Remuneration

R.S.O. 1970, c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Sudbury Police Board appointed by the Lieutenant Governor in Council.

s. 47 (1) (*b*), re-enacted

65. Clause *b* of subsection 1 of section 47 of the said Act is repealed and the following substituted therefor:

(*b*) *The Police Act*, except section 68, does not apply to any area municipality; and R.S.O. 1970, c. 351

. . . . .

66. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 26, is repealed and the following substituted therefor: s. 115 (1), re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

67.—(1) This Part, except sections 63 and 65, comes into force on the day this Act receives Royal Assent. Commencement

(2) Sections 63 and 65 shall be deemed to have come into force on the 1st day of January, 1973. Idem

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

68.—(1) Subsection 2 of section 9 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed and the following substituted therefor: s. 9 (2), re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4), re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

s. 10 (2, 3), re-enacted

69. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First meeting of area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting of Regional Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14, repealed

70. Section 14 of the said Act is repealed.

s. 15 (2), repealed

71. Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1), re-enacted

72. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54 (2), re-enacted

73. Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor:

Designated municipality R.S.O. 1970, c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Peel Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

s. 55 (4), re-enacted

74. Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor:

Regional Corporation deemed municipality under R.S.O. 1970, c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for

the purposes aforesaid, no separate meeting of the Council as a planning board is required.

75. Subsection 2 of section 60 of the said Act is repealed. s. 60 (2), repealed

76. Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor: s. 71 (3), re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Peel Police Board appointed by the Lieutenant Governor in Council. Remuneration R.S.O. 1970, c. 351

77. Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor: s. 72 (1) (*b*), re-enacted

(*b*) *The Police Act*, except section 68, does not apply to any area municipality; and

. . . . .

78. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 31, is repealed and the following substituted therefor: s. 115 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

79.—(1) This Part, except sections 73, 74 and 77, comes into force on the day this Act receives Royal Assent. Commencement

(2) Sections 73, 74 and 77 shall be deemed to have come into force on the 1st day of January, 1974. Idem

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

80.—(1) Subsection 2 of section 9 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor: s. 9 (2), re-enacted

Election of chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4), re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

Failure to elect chairman

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act.

s. 10 (2, 3), re-enacted

81. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

First meeting of area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting of Regional Council

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14, repealed

82. Section 14 of the said Act is repealed.

s. 15 (2), repealed

83. Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1), re-enacted

84. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54 (2), re-enacted

85. Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor:

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Halton Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes.

Designated municipality
R.S.O. 1970, c. 349

86. Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor:

s. 55 (4), re-enacted

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

Regional Corporation deemed municipality under R.S.O. 1970, c. 349

87. Sections 59 and 60 of the said Act are repealed and the following substituted therefor:

s. 59, re-enacted
s. 60, repealed

59.—(1) On the 1st day of July, 1978, the Regional Area health unit, and the Halton Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Halton Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings that have been or may be instituted against that Board.

Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by *The Public Health Act* and shall perform all the functions of such a board, and the functions that would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Regional Corporation to have powers, etc., of local board
R.S.O. 1970, c. 377

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Public Health Act*.

Regional Corporation deemed municipality

Non-application of R.S.O. 1970, c. 377, ss. 15, 17

(4) Section 15 of *The Public Health Act* does not apply to the Regional Corporation, and section 17 of that Act does not apply to the clerk of the Regional Corporation.

Non-application of R.S.O. 1970, c. 377, ss. 13, 35

(5) Sections 13 and 35 of *The Public Health Act* do not apply to an area municipality.

Regional Corporation deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 21 and 116 and subsections 2 and 5 of section 99 and Schedule B of *The Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 24 and 62 and subsection 2 of section 23, and subsection 7 of section 48 and Schedule B of *The Public Health Act*.

Application of R.S.O. 1970, c. 377, ss. 33, 96, 118 (2)

(8) For the purposes of sections 33 and 96 and subsection 2 of section 118 of *The Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1970, c. 377, s. 35

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 5 of section 35 of *The Public Health Act* employed by the Regional Corporation pursuant to subsection 13 shall be deemed to have been duly appointed under section 35 of *The Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1970, c. 377, s. 94 (1)

(10) For the purposes of subsection 1 of section 94 of *The Public Health Act*, a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Application of R.S.O. 1970, c. 377, ss. 125, 126

(11) The Regional Corporation may exercise the powers conferred by sections 125 and 126 of *The Public Health Act* and no area municipality may exercise such powers.

Recovery of expenditure

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures that under *The Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes the Regional Council may, by by-law direct the appropriate area municipality to levy such amount or to add such

amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of *The Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected under this subsection shall forthwith be paid over to the treasurer of the Regional Municipality. R.S.O. 1970, c. 377

(13) The Regional Corporation shall offer to employ every person who, on the 30th day of June, 1978, is employed by the Halton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1979, of not less than he was receiving on the 30th day of June, 1978. Offer of employment

(14) Subsections 2, 3 and 5 of section 27 apply with necessary modifications to the Regional Corporation and to persons employed under subsection 13 as though such persons were employed on the 30th day of June, 1978, by a local board of a local municipality within the Regional Area. Application of s. 27 (2, 3, 5)

(15) Where a person employed under subsection 13 was not employed under a collective agreement on the 30th day of June, 1978, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Halton Regional Board of Health. Sick leave credits

(16) Nothing in subsections 13, 14 and 15 prevents the Regional Corporation from terminating the employment of an employee for cause. Termination of employment

88. The said Act is amended by adding thereto the following section: s. 63*a*, enacted

63*a*. Notwithstanding clause *g* of section 1 of *The Elderly Persons Centres Act*, the Regional Corporation shall be deemed to be a municipality for the purposes of such Act. Regional Corporation deemed municipality under R.S.O. 1970, c. 140,

89. Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor: s. 71 (3), re-enacted

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Halton Police Board appointed by the Lieutenant Governor in Council. Remuneration R.S.O. 1970, c. 351

90. Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor: s. 72 (1) (*b*), re-enacted

R.S.O. 1970, c. 351

(*b*) *The Police Act*, except section 68, does not apply to any area municipality; and

. . . . .

s. 115 (1), re-enacted

91. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 36, is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commencement

92.—(1) This Part, except sections 85, 86 and 90, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 85, 86 and 90 shall be deemed to have come into force on the 1st day of January, 1974.

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 8 (3), re-enacted

93. Subsection 3 of section 8 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is repealed and the following substituted therefor:

Election of members to Regional Council

(3) The council of each area municipality that is required to elect a member or members from among its own council members to the Regional Council shall at its first meeting after a regular election elect its members to the Regional Council.

s. 9 (2), re-enacted

94.—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Election of chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

s. 9 (4), re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

95. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2, 3), re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences. First meeting of area councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. First meeting of Regional Council

96. Section 14 of the said Act is repealed. s. 14, repealed

97. Subsection 2 of section 15 of the said Act is repealed. s. 15 (2), repealed

98. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor: s. 19 (1), re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

99. Subsection 2 of section 54 of the said Act is repealed and the following substituted therefor: s. 54 (2), re-enacted

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Hamilton-Wentworth Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality R.S.O. 1970, c. 349

100. Subsection 4 of section 55 of the said Act is repealed and the following substituted therefor: s. 55 (4), re-enacted

Regional Corporation deemed municipality under R.S.O. 1970, c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 60 (2), repealed

101. Subsection 2 of section 60 of the said Act is repealed.

s. 71 (3), re-enacted

102. Subsection 3 of section 71 of the said Act is repealed and the following substituted therefor:

Remuneration

R.S.O. 1970, c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Hamilton-Wentworth Police Board appointed by the Lieutenant Governor in Council.

s. 72 (1) (*b*), re-enacted

103. Clause *b* of subsection 1 of section 72 of the said Act is repealed and the following substituted therefor:

(*b*) *The Police Act*, except section 68, does not apply to any area municipality; and

. . . . .

s. 115 (1), re-enacted

104. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 42, is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Commencement

105.—(1) This Part, except sections 99, 100 and 103, comes into force on the day this Act receives Royal Assent.

Idem

(2) Sections 99, 100 and 103 shall be deemed to have come into force on the 1st day of January, 1974.

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

106.—(1) Subsection 2 of section 9 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is repealed and the following substituted therefor: s. 9 (2), re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4), re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

107. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2, 3), re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences. First meeting of area councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. First meeting of Regional Council

108. Section 14 of the said Act is repealed. s. 14, repealed

109. Subsection 2 of section 15 of the said Act is repealed. s. 15 (2), repealed

s. 19 (1), re-enacted

110. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e* and sections 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 62 (4), re-enacted

111. Subsection 4 of section 62 of the said Act is repealed and the following substituted therefor:

Regional Corporation deemed municipality under R.S.O. 1970, c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act*, and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required.

s. 65 (3), re-enacted

112. Subsection 3 of section 65 of the said Act is repealed and the following substituted therefor:

Remuneration

R.S.O. 1970, c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Durham Police Board appointed by the Lieutenant Governor in Council.

s. 66 (1) (*b*), re-enacted

113. Clause *b* of subsection 1 of section 66 of the said Act is repealed and the following substituted therefor:

(*b*) *The Police Act*, except section 68, does not apply to any area municipality; and

. . . . .

s. 76 (2), repealed

114. Subsection 2 of section 76 of the said Act is repealed.

s. 123 (1), re-enacted

115. Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 47, is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 35, paragraph 10 of section 460 and Parts XV, XVI, XVII and

XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. R.S.O. 1970, c. 284

116.—(1) This Part, except sections 111 and 113, comes into force on the day this Act receives Royal Assent. Commencement

(2) Sections 111 and 113 shall be deemed to have come into force on the 1st day of January, 1974. Idem

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

117.—(1) Subsection 2 of section 9 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor: s. 9 (2), re-enacted

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor: s. 9 (4), re-enacted

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

118. Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2, 3), re-enacted

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences. First meeting of area councils

(3) The first meeting of the Regional Council after a regular election shall be held after the councils of the area First meeting of Regional Council

municipalities have held their first meetings under subsection 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council.

s. 14, repealed

119. Section 14 of the said Act is repealed.

s. 15 (2), repealed

120. Subsection 2 of section 15 of the said Act is repealed.

s. 19 (1), re-enacted

121. Subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e* and sections 390 and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54, amended

122. Section 54 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection:

Separate meeting as planning board not required R.S.O. 1970, c. 349

(1*a*) Where the Regional Council meets in respect of matters pertaining to planning for the purposes of *The Planning Act*, no separate meeting of the council as a planning board is required.

s. 62 (2), repealed

123. Subsection 2 of section 62 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed.

s. 73 (3), re-enacted

124. Subsection 3 of section 73 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Remuneration

R.S.O. 1970, c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Haldimand-Norfolk Police Board appointed by the Lieutenant Governor in Council.

s. 74 (1) (*b*), re-enacted

125. Clause *b* of subsection 1 of section 74 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

(*b*) *The Police Act*, except section 68, does not apply to any area municipality; and

. . . . .

126. Subsection 1 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 34, section 52, is repealed and the following substituted therefor: s. 119 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67*a*, 71*a* and 74 of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

127.—(1) This Part, except sections 122 and 125, comes into force on the day this Act receives Royal Assent. Commencement

(2) Sections 122 and 125 shall be deemed to have come into force on the 1st day of April, 1974. Idem

128. The short title of this Act is *The Regional Municipalities Amendment Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 20 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend certain Acts
respecting Regional Municipalities

1st Reading

May 11th, 1978

2nd Reading

May 30th, 1978

3rd Reading

June 13th, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

1978

BILL 82 1 sec 1. ins Leg. Leg. Sa. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The District Municipality of Muskoka Act

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 82 1978

An Act to amend The District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is repealed. s. 4, repealed

2. Subsection 3 of section 7 of the said Act is repealed and the following substituted therefor: s. 7 (3), re-enacted

(3) The council of each area municipality shall at its first meeting after a regular election elect its members to the District Council. Election of members to District Council

3.—(1) Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor: s. 8 (2), re-enacted

(2) At the first meeting of the District Council after a regular election at which a quorum is present, the District Council shall organize as a council and elect as chairman one of the members of the District Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(2) Subsection 4 of the said section 8 is repealed and the following substituted therefor: s. 8 (4), re-enacted

(4) If, at the first meeting of the District Council after a regular election, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Failure to elect chairman

Governor in Council shall appoint a chairman to hold offi for the term of the council and until his successor is electe or appointed in accordance with this Act.

s. 9 (2, 3), re-enacted

4. Subsections 2 and 3 of section 9 of the said Act are repeale and the following substituted therefor:

First meeting of area councils

(2) Notwithstanding any other general or special Act, tl first meeting of the council of each area municipality after regular election shall be held not later than the seventh da following the day on which the term of office in respect which the election was held commences.

First meeting of District Council

(3) The first meeting of the District Council after regular election shall be held after the councils of the ar municipalities have held their first meetings under su section 2, but in any event not later than the fourteenth d following the day on which the term of office in respect which the election was held commences, on such date a at such time and place as may be fixed by by-law of t District Council.

s. 12, repealed

5. Section 12 of the said Act is repealed.

s. 17, amended

6. Section 17 of the said Act is amended by adding thereto t following subsection:

Idem R.S.O. 1970, c. 284

(3) Sections 388, 389, 389*a* to 389*e*, 390 and 391 of *T Municipal Act* apply with necessary modifications to t District Council.

s. 69 (5), re-enacted

7. Subsection 5 of section 69 of the said Act is repealed and t following substituted therefor:

District Corporation deemed municipality under R.S.O. 1970, c. 349

(5) Subject to this Part, the District Corporation shall deemed to be a municipality and the District Council planning board for the purposes of section 1, subsections 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 21, 25, 26 and 27, subsection 12*a* of section 29, sections 43 and 44 of *The Planning Act* and where the Distr Council meets in respect of matters pertaining to plann for the purposes aforesaid, no separate meeting of the Cour as a planning board is required.

s. 130 (1), re-enacted

8. Subsection 1 of section 130 of the said Act, as re-enacted the Statutes of Ontario, 1977, chapter 35, section 4, is repea and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, secti 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 3

section 333, paragraphs 3, 10, 11, 12, 24, 41, 67*a* and 71*a* of section 352 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality. R.S.O. 1970, c. 284

9.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent. Commencement

(2) Section 7 shall be deemed to have come into force on the 1st day of January, 1971. Idem

10. The short title of this Act is *The District Municipality of Muskoka Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 20 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The District Municipality of Muskoka Act

1st Reading

May 11th, 1978

2nd Reading

May 30th, 1978

3rd Reading

May 30th, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 83 Pauline Leg. Leg. Lib.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipality of Metropolitan Toronto Act

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 83 1978

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5 of section 5 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 1, is repealed and the following substituted therefor: s. 5 (5), re-enacted

(5) At the first meeting of the Metropolitan Council in each year after a regular election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act. Election of chairman

(2) Subsection 7 of the said section 5 is repealed and the following substituted therefor: s. 5 (7), re-enacted

(7) If, at such first meeting after a regular election, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. Adjournment

2. Subsections 1 and 2 of section 6 of the said Act are repealed and the following substituted therefor: s. 6 (1, 2), re-enacted

(1) The first meeting of the Metropolitan Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under sub- First meeting of Metropolitan Council

section 2, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

First meeting of area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

s. 11, repealed

3. Section 11 of the said Act is repealed.

s. 12 (5), repealed

4. Subsection 5 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 2, is repealed.

s. 13 (2), repealed

5. Subsection 2 of section 13 of the said Act is repealed.

s. 17 (1), re-enacted

6. Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 201, 243, 259, 28 to 286, 349, 350, paragraphs 66 and 67 of section 352, an sections 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municip Act* apply with necessary modifications to the Metropolita Corporation.

s. 76, amended

7. Section 76 of the said Act is amended by adding thereto th following subsection:

Where other road carried over or under metro-politan road

(2) Where a road that is not a metropolitan road is ca ried over or under a metropolitan road by a bridge or oth structure, the surface of the road shall be deemed to l under the jurisdiction and control of the authority that h jurisdiction and control over the adjacent portions of th remainder of the road and the Metropolitan Corporatio shall not be liable for maintenance and repair of the surfa of the road.

s. 149 (4), re-enacted

8. Subsection 4 of section 149 of the said Act is repealed and th following substituted therefor:

Time for passing, approval of O.M.B.

(4) A by-law under this section, and a by-law amendi or repealing any such by-law, shall be passed not later th thirty days prior to the last day for posting notice of t offices for which persons may be nominated in accordan with *The Municipal Elections Act, 1977* and shall not passed unless it has received the approval of the Munici Board.

1977, c. 62

9. Subsection 2 of section 175 of the said Act is repealed and the following substituted therefor: s. 175 (2), re-enacted

(2) *The Police Act*, except section 68, does not apply to any area municipality. Application of R.S.O. 1970, c. 351, to area municipalities

10. Section 178 of the said Act is repealed and the following substituted therefor: s. 178, re-enacted

178. The Metropolitan Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Metropolitan Board appointed or designated by the Lieutenant Governor in Council, except the member designated by the Lieutenant Governor in Council under clause *c* of subsection 1 of section 177. Remuneration R.S.O. 1970, c. 351

11. Subsection 2 of section 199 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 11, is repealed and the following substituted therefor: s. 199 (2), re-enacted

(2) The Metropolitan Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of The Metropolitan Toronto Planning Area and each area municipality is the designated municipality within the meaning of *The Planning Act* for the purposes of the subsidiary planning area it constitutes. Designated municipality R.S.O. 1970, c. 349

12. Subsection 4 of section 200 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 11, is repealed and the following substituted therefor: s. 200 (4), re-enacted

(4) Subject to this Part, the Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, subsection 12*a* of section 29, sections 33, 43 and 44 of *The Planning Act* and where the Metropolitan Council meets in respect of matters pertaining to planning for the purposes aforesaid no separate meeting as a planning board is required. Application of R.S.O. 1970, c. 349

13. Subsection 1 of section 241 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 37, section 4, is repealed and the following substituted therefor: s. 241 (1), re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a* and 249, subsection 3 of section 308, paragraphs 3, 10, 11, 12, 24, 29, 41, 42, 67*a* and 71*a* of section 352, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation. Application of R.S.O. 1970, c. 284

Commencement

14.—(1) This Act, except sections 9, 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Section 11 shall be deemed to have come into force on the 2nd day of April, 1953.

Idem

(3) Section 9 shall be deemed to have come into force on the 1st day of January, 1957.

Idem

(4) Section 12 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

15. The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR June 20 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

May 11th, 1978

2nd Reading

June 13th, 1978

3rd Reading

June 15th, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 84 1st reading Feb. 6th, 1978

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The County of Oxford Act, 1974

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 84 1978

An Act to amend The County of Oxford Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The County of Oxford Act, 1974*, being chapter 57, is amended by adding thereto the following subsections: s. 2, amended

(1*a*) The portion of the Township of Zorra described as follows is annexed to the Township of South-West Oxford on the 1st day of July, 1978: Portion of Zorra annexed to South-West Oxford

That tract of land situate in the Township of Zorra, in the County of Oxford, formerly in the Township of North Oxford and described as Part 1 on a Reference Plan of part of Lot 21, Concession 1, deposited in the Land Registry Office for the Registry Division of Oxford (No. 41) as 41R-1365.

(1*b*) Subsection 3 applies with necessary modifications to the annexation provided for in subsection 1*a*. Application of subs. 3

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 73, section 1 and 1977, chapter 36, section 1, is further amended by adding thereto the following subsection: s. 3, amended

(4*c*) Notwithstanding section 17 of *The Municipal Elections Act, 1977* for the purposes of the municipal elections to be held in 1978, the clerk of the Township of Zorra and the clerk of the Township of South-West Oxford shall divide their respective area municipalities into polling subdivisions and shall, not later than the 15th day of July, 1978, inform the assessment commissioner of the boundaries of each subdivision. Polling sub-divisions, Zorra and South-West Oxford 1977, c. 62

3.—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor: s. 9 (2), re-enacted

Election of warden

(2) At the first meeting of the County Council after a regular election at which a quorum is present, the County Council shall organize as a council and elect from among its members a warden who shall hold office for that term of the council and until his successor is elected, and at such meeting the clerk shall preside until the warden is elected and the warden so elected shall retain his seat on the council of the area municipality to which he was elected.

s. 9 (4), re-enacted

(2) Subsection 4 of the said section 9 is repealed and the following substituted therefor:

Failure to elect warden

(4) If, at the first meeting of the County Council after a regular election, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for the term of the council and until his successor is elected in accordance with this Act.

s. 10 (1), re-enacted

4. Subsection 1 of section 10 of the said Act is repealed and the following substituted therefor:

First meeting of area councils

(1) Notwithstanding any other general or special Act the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting of County Council

(1*a*) The first meeting of the County Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection 1, but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the County Council.

s. 14, repealed

5. Section 14 of the said Act is repealed.

s. 15 (2), repealed

6. Subsection 2 of section 15 of the said Act is repealed.

s. 19, amended

7. Section 19 of the said Act is amended by adding thereto the following subsection:

Application of R.S.O. 1970, c. 284

(3) Sections 388, 389, 389*a* to 389*e*, 390 and 391 of *The Municipal Act* apply with necessary modifications to the County Council.

8. Section 54 of the said Act is amended by adding thereto the following subsection: s. 54, amended

(2*a*) Where the County Council meets in respect of matters pertaining to planning for the purposes of *The Planning Act*, no separate meeting of the Council as a planning board is required. Separate meeting as planning board not required R.S.O. 1970, c. 349

9. Subsection 1 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 36, section 5, is repealed and the following substituted therefor: s. 114 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250, 254, 308 and 333, paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 352, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the County. Application of R.S.O. 1970, c. 284

10.—(1) This Act, except section 8, comes into force on the day it receives Royal Assent. Commencement

(2) Section 8 shall be deemed to have come into force on the 1st day of January, 1975. Idem

11. The short title of this Act is *The County of Oxford Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 20 19 78

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The County of Oxford Act, 1974

1st Reading

May 11th, 1978

2nd Reading

June 13th, 1978

3rd Reading

June 13th, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 85

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise The Ministry of Correctional Services Act

THE HON. F. DREA
Minister of Correctional Services

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 85 **1978**

An Act to revise The Ministry of Correctional Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Board" means the Board of Parole;

(*b*) "compassionate allowance" means an allowance made under section 13 of this Act and the regulations;

(*c*) "correctional institution" means a correctional institution established or continued under section 14 and does not include a training school established or authorized under *The Training Schools Act*, or a lock-up established under section 349 of *The Municipal Act*; R.S.O. 1970, cc. 467, 284

(*d*) "Deputy Minister" means the Deputy Minister of Correctional Services;

(*e*) "inmate" means a person confined in a correctional institution or otherwise detained in lawful custody pursuant to a court order;

(*f*) "Minister" means the Minister of Correctional Services;

(*g*) "Ministry" means the Ministry of Correctional Services;

(*h*) "parole" means authority granted to an inmate to be at large during the inmate's term of imprisonment;

(*i*) "parolee" means an inmate who has been granted parole under this Act;

(*j*) "probation" means the disposition of a court authorizing an offender to be at large subject to conditions prescribed in a probation order or a community service order;

(*k*) "probation order" includes community service order;

(*l*) "probationer" means a person who is bound by a probation order or a community service order;

(*m*) "regulations" means the regulations made under this Act;

(*n*) "remission" means statutory or earned remission, as the case requires.

PART I

MINISTRY OF CORRECTIONAL SERVICES

Ministry continued

2.—(1) The ministry of the public service known as the Ministry of Correctional Services is continued.

Minister to preside

(2) The Minister shall preside over and have charge of the Ministry.

Deputy Minister

(3) The Lieutenant Governor in Council shall appoint a Deputy Minister of Correctional Services who shall be the deputy head of the Ministry. R.S.O. 1970, c. 110, s. 2, *amended*.

Duties of Minister

3. The Minister is responsible for the administration of this Act and any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council. R.S.O. 1970, c. 110, s. 3.

Functions of Ministry

4. It is the function of the Ministry to supervise the detention and release of inmates, parolees and probationers and to create for such persons a social environment in which they may achieve changes in attitude by providing training, treatment and services designed to afford an inmate, parolee or probationer the opportunity for successful personal and social adjustment in the community, and, without limiting the generality of the foregoing, the objects of the Ministry are to,

(*a*) provide for the secure custody of persons awaiting trial or convicted of an offence;

(*b*) establish, maintain and operate correctional institutions;

(*c*) provide programs and facilities designed to assist in the rehabilitation of inmates;

(*d*) establish and operate a system of parole;

(*e*) provide probation services; and

(*f*) provide programs for the prevention of crime. *New.*

5. Such officers and employees as are required from time to time for the proper conduct of the Ministry may be appointed under *The Public Service Act*. *New.* **Staff** **R.S.O. 1970, c. 386**

6. The expenditures of the Ministry shall be paid out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 110, s. 4, *amended.* **Expenditures**

7. Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation. R.S.O. 1970, c. 110, s. 5, *amended.* **Delegation of Minister's powers**

8.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Crown in right of Ontario, make agreements with the Crown in right of Canada or of any province of Canada or with any municipality respecting, **Agreements**

(*a*) the exchange of services provided by the Ministry;

(*b*) the transfer of inmates;

(*c*) any matter relating to the supervision and rehabilitation of an inmate, parolee or probationer; or

(*d*) any matter for the administration of which the Minister is responsible.

(2) The Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers **Idem**

advisable for the purpose of carrying out the provisions of this Act.

Idem

(3) The employees of the Ministry under the direction of the Minister or the Deputy Minister may enter into contracts or agreements for and in the name of the Crown to carry out the responsibilities of the Ministry under this Act. R.S.O. 1970, c. 110, s. 6, *amended*.

Volunteers

9. Every person providing volunteer services to the Ministry shall serve under the direction of an employee of the Ministry. *New*.

Confidentiality

10. Every person employed in the administration of this Act, including any person making an inspection, investigation or inquiry under this Act, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inspection, investigation or inquiry and shall not communicate any such matters to any other person except,

R.S.C. 1970, cc. P-2, P-6, P-21, C-34

(*a*) as may be required in connection with the administration of this Act, the *Parole Act* (Canada), the *Penitentiary Act* (Canada), the *Prisons and Reformatories Act* (Canada) or the *Criminal Code* (Canada) or the regulations thereunder;

(*b*) to the Ombudsman of Ontario or Correctional Investigator of Canada;

(*c*) in statistical form if the person's name or identity is not revealed therein;

(*d*) with the approval of the Minister. *New*.

Employee as constable

11. The Minister may designate, in writing, any employee of the Ministry as a constable for such purposes as the Minister may set forth in the designation. *New*.

Protection from personal liability

12.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty or for any act of an inmate, parolee or probationer while under his custody and supervision.

Idem

R.S.O. 1970, c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*,

relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New.*

13. The Lieutenant Governor in Council may pay a compassionate allowance in such manner and amounts as is prescribed in the regulations as compensation to an inmate for permanent disability arising from an injury suffered while engaged in an authorized activity at a correctional institution or to any other person for injury or damage inflicted upon that person by an inmate while under the custody and supervision of the Ministry. *New.* **Compassionate allowance**

PART II

CORRECTIONAL INSTITUTIONS

14.—(1) The correctional institutions existing before the day this Act comes into force continue to exist as correctional institutions. **Correctional institutions**

(2) The Lieutenant Governor in Council may, by order, establish or discontinue a correctional institution. R.S.O. 1970, c. 110, s. 7, *amended.* **Idem**

(3) The Lieutenant Governor in Council may, by order, designate any place as a correctional institution for the temporary custody of inmates for such period as is stated in the order and may, by order, exempt the place so designated from the application of any provision or provisions of this Act. *New.* **Designated correctional institutions**

15. The Minister may designate any facility as a community resource centre for the rehabilitation and supervision of inmates, parolees or probationers in a community setting away from a correctional institution and the Minister may withdraw a designation from such a facility. *New.* **Community resource centre**

16.—(1) The court before which a person is convicted under an Act of the Legislature of an offence punishable by imprisonment may sentence the person to imprisonment in a correctional institution. **Sentence to correctional institution**

(2) A person who has been sentenced to imprisonment in a correctional institution may be detained in any other correctional institution or in the custody of a provincial bailiff or other employee of the Ministry for the purpose **Custody during conveyance**

of conveyance to the correctional institution to which the person was sentenced. R.S.O. 1970, c. 110, s. 8, *amended*.

Insecure institutions

17. Where the Minister has reason to believe that a correctional institution is insecure or unfit for the safe custody of inmates, the Minister may, by order, direct that one or more inmates confined in the institution be conveyed to another correctional institution for such period as is stated in the order and the Minister's order is sufficient authority to convey the inmate or inmates to the correctional institution. *New*.

Admissions and transfers

18. The Minister may designate in writing one or more employees of the Ministry to control and direct admissions to correctional institutions and who from time to time by warrant may transfer an inmate from one correctional institution to another. R.S.O. 1970, c. 110, s. 10, *amended*.

Provincial bailiffs

19.—(1) The Minister may appoint provincial bailiffs who may convey an inmate in custody at a correctional institution to another correctional institution or penitentiary in which the inmate is lawfully directed to be confined.

Warrant

(2) A provincial bailiff may convey an inmate under the authority of a warrant issued under section 18 and such a warrant is sufficient authority for the director or superintendent to deliver the inmate named therein to the bailiff.

Powers

(3) A provincial bailiff has the powers of a constable when conveying an inmate under this section. R.S.O. 1970, c. 110, s. 15, *amended*.

Director, superintendent

20.—(1) There shall be a director or superintendent for each correctional institution to be responsible for the administration of the institution.

Duties

(2) The director or superintendent, as the case may be, shall receive into the institution every person delivered under lawful authority for detention therein and is responsible for the custody and supervision of such person until the term of imprisonment is completed or until the person is by warrant transferred or otherwise discharged in due course of law. R.S.O. 1970, c. 110, s. 9, *amended*.

Deputy director, deputy superintendent

(3) The Deputy Minister may designate a deputy director or deputy superintendent for each correctional institution to be responsible for the administration of the institution when the director or superintendent by reason of absence, illness or other cause, is unable to carry out his duties. *New*.

21. The Minister may designate a correctional institution for use by a municipality as a lock-up and, where the Minister makes such a designation, the municipality shall pay to the Treasurer of Ontario annually such rate per day for persons in custody in the lock-up as is fixed by the Minister for the year. R.S.O. 1970, c. 110, s. 13, *amended*. Use of correctional institution lock-up

22. The Minister may designate any person as an inspector to make such inspection or investigation as the Minister may require in connection with the administration of this Act, and the Minister may and has just cause to dismiss any employee of the Ministry who obstructs an inspection or investigation or withholds, destroys, conceals or refuses to furnish any information or thing required by an inspector for the purposes of the inspection or investigation. R.S.O. 1970, c. 110, s. 11, *amended*. Inspection, investigation

23. The Minister may, by order, appoint a person to make an inquiry into any matter to which this Act applies as may be specified in the Minister's order and the person so appointed shall report the result of the inquiry to the Minister and, for the purposes of the inquiry, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 110, s. 12, *amended*. Ministerial inquiry; 1971, c. 49

24.—(1) Where a person confined in a correctional institution requires hospital treatment that cannot be supplied at the institution, the director or superintendent shall arrange for the person to receive such treatment at a public hospital and shall report the matter to such persons as the Minister may require. Hospital treatment

(2) Where a person confined in a correctional institution requires hospitalization in a psychiatric facility under *The Mental Health Act*, the director or superintendent shall arrange for the person to be so hospitalized and shall report the matter to such persons as the Minister may require. R.S.O. 1970, c. 110, s. 16 (1, 2), *amended*. Psychiatric treatment; R.S.O. 1970, c. 269

(3) Where a director or superintendent is unable to have a person hospitalized, he shall notify an employee of the Ministry designated by the Minister for the purpose and the employee shall then make arrangements to have the person hospitalized. Idem

(4) The Minister may, by order, direct that an examination be made of an inmate by a psychiatrist or psychologist Mental examination

in a manner prescribed by the regulations for the purpose of assessing the emotional and mental condition of the inmate. *New.*

Rehabilitation programs

25. The Minister may establish rehabilitation programs under which inmates may be granted the privilege of continuing to work at their regular employment, obtaining new employment, attending academic institutions, or participating in any other program that the Minister may consider advisable in order that such persons may have a better opportunity for rehabilitation. R.S.O. 1970, c. 110, s. 19, *amended.*

Work outside institution

26.—(1) The Minister may authorize an inmate or group of inmates to participate in a work project or rehabilitation program outside the correctional institution in which the inmate or inmates are confined and the Minister may authorize the absence of the inmate or group of inmates from the correctional institution for that purpose on such terms and conditions as the Minister may specify. R.S.O. 1970, c. 110, s. 17, *amended.*

Idem

(2) Every inmate who is absent from a correctional institution under subsection 1 shall comply with such terms and conditions as are specified by the Minister.

Offence

(3) Every inmate who contravenes subsection 2 without lawful excuse, the proof of which lies upon him, is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than one year. *New.*

Temporary absence

27.—(1) Where, in the opinion of an officer of the Ministry, designated by the Lieutenant Governor in Council for the purpose, it is necessary or desirable that an inmate be temporarily absent from a correctional institution for medical or humanitarian reasons or to assist him in his rehabilitation, the officer may authorize the temporary absence of the inmate on such terms and conditions as he may specify.

Idem

(2) Every inmate temporarily absent under subsection 1 shall comply with such terms and conditions as are specified and shall return to the correctional institution at the expiration of the period for which he is authorized to be at large.

Offence

(3) Every inmate who contravenes subsection 2 without lawful excuse, the proof of which lies upon him, is guilty of an offence and on summary conviction is liable to imprison-

ment for a term of not more than one year. R.S.O. 1970, c. 110, s. 18, *amended*.

28.—(1) Every inmate may be credited with remission of his sentence and is subject to the forfeitures of such remission equivalent to that provided for in the *Prisons and Reformatories Act* (Canada) except that a sentence shall not be reduced, by reason of remission, to less than two days. Remission R.S.C. 1970, c. P-21

(2) Where an inmate has forfeited the whole or any part of his remission, an officer of the Ministry designated by the Lieutenant Governor in Council for the purpose may, where he is satisfied that it is in the interest of the inmate's rehabilitation, remit the whole or any part of such forfeiture. R.S.O. 1970, c. 110, s. 20, *amended*. Restoration of forfeiture remission

(3) Where an inmate offers to surrender the whole or any part of his remission and where, in the opinion of the director or superintendent, it is necessary or desirable that the inmate remain confined in the correctional institution for medical or humanitarian reasons or to assist him in his rehabilitation for a period of time after the day on which the inmate is eligible to be released by reason of remission, the director or superintendent, as the case may be, may authorize the surrender of remission by the inmate. Surrender of remission

(4) Where an inmate surrenders remission under subsection 3, the inmate shall remain confined in the correctional institution for such further period that corresponds to the amount of remission surrendered, under the same control and supervision and with the same privileges as if he were not eligible to be released at that time. Supervision, privileges continued

(5) Notwithstanding subsection 3, a director or superintendent may withdraw an authorization and an inmate may withdraw a surrender of remission at any time after the day on which the inmate was eligible for release from the correctional institution, and where such withdrawal is made in writing, the inmate shall be released from the institution forthwith. *New*. Withdrawal

29. Where the date of release from custody of an inmate falls upon a weekend or holiday and the director or superintendent is of the opinion that release during the weekend or holiday would inconvenience the inmate in obtaining transportation, lodging or any other service necessary for his adjustment to community life outside the correctional institution, the director or superintendent may release the inmate on the day preceding the weekend or holiday. *New*. Early release

Employees not to be interested in contracts

30.—(1) No officer or employee of the Ministry shall, without the approval of the Minister, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods or provisions for the use of a correctional institution or community resource centre, or have an interest, directly or indirectly, in furnishing, supplying or transporting the same or in any contract relating thereto.

Employees not to trade, etc., with persons in custody

(2) No officer or employee of the Ministry shall, without the approval of the Minister, buy from or sell to any inmate, parolee or probationer anything whatsoever or take or receive to his own use or for the use of any other person, any fee or gratuity from any inmate in a correctional institution or from any visitor thereto or any parolee or probationer or from any other person in respect of an inmate, parolee or probationer.

Offence

(3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000. R.S.O. 1970, c. 110, ss. 21, 22, *amended*.

PART III

PAROLE

Board of Parole

31. The Board of Parole is continued and shall be composed of such full-time and part-time members appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council may consider necessary. R.S.O. 1970, c. 110, s. 23, *amended*.

Chairman

32.—(1) The Lieutenant Governor in Council may designate one of the members of the Board to be the chairman thereof.

Quorum

(2) Three members of the Board constitute a quorum. R.S.O. 1970, c. 110, s. 24.

Remuneration of part-time members

33. The members of the Board who are part-time members shall serve without salary but may be paid such expenses and allowances for attendance at Board meetings and for other attendances in connection with the business of the Board as may be determined by the Lieutenant Governor in Council. R.S.O. 1970, c. 110, s. 25, *amended*.

Granting of parole

34. Subject to the regulations, the Board may order the release from custody on parole of any inmate convicted of

an offence under any Act of the Legislature, any Act of the Parliament of Canada or against a municipal by-law upon such conditions as the Board may determine. R.S.O. 1970, c. 110, s. 26, *amended*.

35. The Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court. *New*.

Remissions

36. Where parole is granted, the term of parole shall include any portion of remission standing to the credit of the parolee when he is released. R.S.O. 1970, c. 110, s. 27, *amended*.

Information re parolees

37. When required by the Board, it is the duty of every person having information relevant to the suitability of an inmate to be paroled to submit such information to the Board in writing in the form prescribed by the regulations. R.S.O. 1970, c. 110, s. 28.

Apprehension

38.—(1) Where a member of the Board, or such other person as is designated by the Board for the purpose, believes on reasonable and probable grounds that a parolee has failed to observe any of the conditions of his parole, he may authorize the arrest and return to a correctional institution of the parolee by a warrant in writing signed by him.

Review

(2) Where a parolee has been returned to a correctional institution under subsection 1, the Board shall review the parole as soon as possible thereafter, and shall decide either to revoke the parole or to release the parolee and allow him to continue on parole. R.S.O. 1970, c. 110, s. 29, *amended*.

Calculation of term if parole revoked

(3) Where parole is revoked under subsection 2, the parolee shall, notwithstanding that parole was granted before the coming into force of this Act, serve the portion of his term of imprisonment, including any remission, that remained unexpired at the time parole was granted, less,

(*a*) the period of time spent on parole after the coming into force of this Act;

(*b*) the period of time during which parole was suspended and the parolee was in custody; and

(*c*) any remission earned after the coming into force of this Act and applicable to the period during which the parole was suspended and the parolee was in custody. *New.*

Annual report

39. The Board shall in each year make a report in writing to the Lieutenant Governor in Council of the history and proceedings of the Board during the twelve-month period ending on the 31st day of March of such year. R.S.O. 1970, c. 110, s. 31, *amended.*

Interpretation

40. Nothing in this Act shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor General of Canada or the Lieutenant Governor of Ontario to grant a reprieve, pardon or commutation of sentence in any case. R.S.O. 1970, c. 110, s. 32.

PART IV

ADULT PROBATION

Interpretation

41. In this Part, "court" means a court of criminal jurisdiction.

Appointment of probation officers
R.S.O. 1970, c. 386

42.—(1) Such probation officers as are considered necessary for the purposes of this Act shall be appointed under *The Public Service Act.*

Jurisdiction

(2) Every probation officer appointed in accordance with subsection 1 is a probation officer in and for the Province of Ontario and shall perform his duties in such part of Ontario as is assigned to him from time to time by the Minister. R.S.O. 1970, c. 364, s. 1 (1, 2).

Idem

(3) There shall be a supervisor of probation services to be responsible throughout Ontario for the supervision and administration of probation services provided by the Ministry. *New.*

Duties of probation officer

43.—(1) It is the duty of a probation officer,

(*a*) to procure and report to a court such information pertaining to a person found to have committed an offence as the court may require for the purpose of making a disposition of the case;

(*b*) to make recommendations in the report referred to in clause *a* as to the disposition of the case upon being requested by the court;

(*c*) to comply with any direction made to the probation officer by a court in a probation order.

Variation of direction

(2) Where a probation officer is of the opinion that compliance with a direction issued by a court is inconvenient or impossible, the probation officer may apply to the court for a variation of its direction, and the court, upon consideration of the reasons for the application, may vary its direction to the probation officer as it considers appropriate in the circumstances.

Duties assigned by Minister

(3) In addition to the duties of a probation officer referred to in subsection 1, a probation officer shall perform such other duties as are assigned to him by the Minister. *New.*

Breach of probation order

44. Where a probationer is convicted of an offence constituting a breach of condition of a probation order and,

(*a*) the time within which he may appeal or apply for leave to appeal against that conviction has expired and he has not taken an appeal or applied for leave to appeal;

(*b*) he has taken an appeal or applied for leave to appeal against the conviction and the appeal or application for leave has been dismissed or abandoned; or

(*c*) he has given written notice to the court that convicted him that he elects not to appeal,

or where the probationer otherwise wilfully fails or refuses to comply with the order, he is guilty of an offence and upon conviction the court may,

(*d*) impose a fine of not more than $1,000 or imprisonment for a term of not more than thirty days, or both, and in lieu of or in addition to the penalty, continue the probation order with such changes or additions and for such extended term, not exceeding an additional year, as the court considers reasonable; or

(*e*) where the judge presiding is the judge who made the original order, in lieu of imposing the penalty

under clause *d*, revoke the probation order and impose the sentence that was suspended upon the making of the probation order. *New*.

PART V

GENERAL PROVISIONS

Application of 1971, c. 47

45. *The Statutory Powers Procedure Act, 1971* does not apply to proceedings for the discipline or transfer of inmates in correctional institutions, for the grievances of inmates, or for the authorization of temporary absences for inmates or to proceedings of the Board notwithstanding anything in that Act. 1971, c. 50, s. 27, *amended*.

Member of Legislative Assembly

46. Every member of the Legislative Assembly of Ontario is entitled to enter and inspect any correctional institution, community resource centre or other facility established or designated under this Act for any purpose related to the member's duties and responsibilities as a member of the Legislative Assembly unless the Minister determines that the institution, community resource centre or facility is insecure or an emergency condition exists therein. *New*.

Regulations

47. The Lieutenant Governor in Council may make regulations,

(*a*) respecting the operation, management, inspection and classification of correctional institutions;

(*b*) respecting the operation, management and inspection of community resource centres;

R.S.C. 1970, c. P-21

(*c*) designating correctional institutions as reformatories for the purpose of the *Prisons and Reformatories Act* (Canada);

(*d*) respecting the treatment, training, employment, discipline, control, grievances and privileges of inmates;

(*e*) requiring the maintenance of records and providing for their destruction;

(*f*) respecting the retention and disposal of inmate property;

(*g*) providing for the granting of compassionate allowances;

(*h*) providing for and establishing criteria for the granting of temporary absences or parole;

(*i*) establishing rules of procedure for the Board;

(*j*) providing for the appointment and remuneration of Board members;

(*k*) respecting the duties and powers of directors, superintendents, probation officers, parole officers, correctional officers, volunteers and any other employee of the Ministry;

(*l*) providing for the assessment of inmates;

(*m*) providing for and prescribing fees and charges to recover costs incurred by the Ministry;

(*n*) prescribing forms and providing for their use. R.S.O. 1970, c. 110, s. 33, *amended*.

48.—(1) *The Ministry of Correctional Services Act*, being chapter 110 of the Revised Statutes of Ontario, 1970, section 27 of *The Civil Rights Statutes Law Amendment Act, 1971*, being chapter 50 and section 59 of *The Government Reorganization Act, 1972*, being chapter 1, are repealed. Repeals

(2) *The Probation Act*, being chapter 364 of the Revised Statutes of Ontario, 1970 and section 60 of *The Government Reorganization Act, 1972*, being chapter 1, are repealed. Idem

49.—(1) This Act, except Part IV and subsection 2 of section 48, comes into force on the day it receives Royal Assent. Commencement

(2) Part IV and subsection 2 of section 48 come into force on the 1st day of July, 1978. Idem

50. The short title of this Act is *The Ministry of Correctional Services Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 20 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revise
The Ministry of Correctional Services Act

1st Reading

May 11th, 1978

2nd Reading

May 30th, 1978

3rd Reading

June 19th, 1978

THE HON. F. DREA
Minister of Correctional Services

BILL 86 1 cont. nie Leg. Leg. S. Ther

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Coroners Act, 1972

THE HON. G. A. KERR
Solicitor General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 86 1978

An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Coroners Act, 1972*, being chapter 98, is amended by adding thereto the following clauses: s. 1, amended

(*aa*) "mine" means a mine as defined in Part IX of *The Mining Act*; R.S.O. 1970, c. 274

(*ab*) "mining plant" means a plant as defined in Part IX of *The Mining Act*.

2.—(1) Clause *b* of subsection 2 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (2) (*b*), re-enacted

(*b*) upon the revocation, suspension or cancellation of his licence for the practice of medicine issued under *The Health Disciplines Act, 1974*. 1974, c. 47

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3), re-enacted

(3) The College of Physicians and Surgeons of Ontario shall forthwith notify the Chief Coroner where the licence of a coroner for the practice of medicine is revoked, suspended or cancelled. Chief Coroner to be notified

3. Section 8*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 103, section 3, is amended by adding thereto the following subsection: s. 8*a*, amended

(2) The Chief Coroner in any case he considers appropriate may request that the criminal investigation branch of the Ontario Provincial Police Force provide assistance to a coroner in an investigation or inquest. Idem

s. 9 (2) (*j*), re-enacted

4.—(1) Clause *j* of subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

(*j*) a public or private hospital to which the person was transferred from a facility, institution or home referred to in clauses *a* to *i*,

. . . . .

s. 9 (2), amended

(2) Subsection 2 of the said section 9 is amended by inserting after "hospital" in the twenty-second line "facility".

s. 9, amended

(3) The said section 9 is amended by adding thereto the following subsection:

Notice of death resulting from accident at or in construction project, mining plant or mine

(4*a*) Where a worker dies as a result of an accident occurring in the course of his employment at or in a construction project, mining plant or mine, including a pit or quarry, the person in charge of such project, mining plant or mine shall immediately give notice of the death to a coroner and the coroner shall issue his warrant to hold an inquest upon the body.

s. 12 (1), re-enacted

5. Subsection 1 of section 12 of the said Act is repealed and the following substituted therefor:

Shipment of bodies outside Ontario

(1) Subject to section 12*a*, no person shall accept for shipment or ship or take a dead body from any place in Ontario to any place outside Ontario unless a certificate of a coroner has been obtained certifying that there exists no reason for further examination of the body.

s. 12*a*, enacted

6. The said Act is amended by adding thereto the following section:

Transportation of a body out of Ontario
1976, c. 83

12*a*. A coroner may in writing authorize the transportation of a body out of Ontario for *post mortem* examination and in such case, section 37 of *The Funeral Services Act, 1976* does not apply.

s. 15, re-enacted

7. Section 15 of the said Act is repealed and the following substituted therefor:

Transfer of investigation

15.—(1) A coroner may at any time transfer an investigation to another coroner where in his opinion the investigation may be continued or conducted more conveniently by that other coroner or for any other good and sufficient reason.

(2) The coroner to whom an investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body. Investigation and inquest

(3) The coroner who transfers an investigation to another coroner shall notify the Chief Coroner of the transfer, and the Chief Coroner shall assist in the transfer upon request. Notification of Chief Coroner

(4) The coroner who transfers an investigation to another coroner shall transmit to him the report of the *post mortem* examination of the body, if any, and his signed statement setting forth briefly the result of his investigation and any evidence to prove the fact of death and the identity of the body. Transmitting results of first investigation

8. The said Act is further amended by adding thereto the following section: s. 17*a*, enacted

17*a*. When making a determination whether an inquest is necessary or unnecessary, the coroner shall have regard to whether the holding of an inquest would serve the public interest and, without restricting the generality of the foregoing, shall consider, What coroner shall consider and have regard to

(*a*) whether the matters described in clauses *a* to *e* of subsection 1 of section 25 are known;

(*b*) the desirability of the public being fully informed of the circumstances of the death through an inquest; and

(*c*) the likelihood that the jury on an inquest might make useful recommendations directed to the avoidance of death in similar circumstances.

9. Section 19 of the said Act is repealed and the following substituted therefor: s. 19, re-enacted

19. Where the Minister has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act, whether or not he or any other coroner has viewed the body, made an investigation, held an inquest, determined an inquest was unnecessary or done any other act in connection with the death. Minister may direct coroner to hold inquest

10. The said Act is further amended by adding thereto the following section: s. 20*a*, enacted

Minister may direct that body be disinterred
R.S.O. 1970, c. 57

20*a*. Notwithstanding anything in *The Cemeteries Act*, the Minister may, at any time where he considers it necessary for the purposes of an investigation or an inquest, direct that a body be disinterred under and subject to such conditions as the Minister considers proper.

s. 21 (1), re-enacted

11. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor:

Direction by Chief Coroner

(1) The Chief Coroner may direct any coroner in respect of any death to issue a warrant to take possession of the body, conduct an investigation or hold an inquest, or may direct any other coroner to do so or may intervene to act as coroner personally for any one or more of such purposes.

s. 22, re-enacted

12. Section 22 of the said Act is repealed and the following substituted therefor:

Where criminal offence charged
R.S.C. 1970, c. C-34

22.—(1) Where a person is charged with an offence under the *Criminal Code* (Canada) arising out of a death, an inquest touching the death shall be held only upon the direction of the Minister and, when held, the person charged is not a compellable witness.

Idem

(2) Where during an inquest a person is charged with an offence under the *Criminal Code* (Canada) arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, but the Minister may direct that the inquest be reopened.

Where charge or appeal finally disposed of
R.S.C. 1970, c. C-34

(3) Notwithstanding subsections 1 and 2, where a person is charged with an offence under the *Criminal Code* (Canada) arising out of the death and the charge or any appeal from a conviction or an acquittal of the offence charged has been finally disposed of or the time for taking an appeal has expired, the coroner may issue his warrant for an inquest and the person charged is a compellable witness at the inquest.

s. 23 (2), re-enacted

13. Subsection 2 of section 23 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 103, section 10, is repealed and the following substituted therefor:

Report

(2) The person who performs the *post mortem* examination shall forthwith report his findings in writing only to the coroner who issued the warrant, the Crown attorney, the regional coroner and the Chief Coroner and the person who performs any other examination or analysis shall forthwith report his findings in writing only to the coroner who issued the warrant, the person who performed the *post mortem*

examination, the Crown attorney, the regional coroner and the Chief Coroner.

14. Subsection 1 of section 24 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 103, section 11, is repealed and the following substituted therefor: s. 24 (1), re-enacted

(1) Every coroner before holding an inquest shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney or a barrister and solicitor or any other person designated by him shall attend the inquest and shall act as counsel to the coroner at the inquest. Notice to Crown attorney

15.—(1) Subsection 1 of section 25 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 25 (1), amended

(1) Where an inquest is held, it shall inquire into the circumstances of the death and determine, Purposes of inquest

. . . . .

(2) Subsection 3 of the said section 25 is repealed and the following substituted therefor: s. 25 (3), re-enacted

(3) Subject to subsection 2, the jury may make recommendations directed to the avoidance of death in similar circumstances or respecting any other matter arising out of the inquest. Authority of jury to make recommendations

16. Section 27 of the said Act is repealed and the following substituted therefor: s. 27, re-enacted

27.—(1) Except as provided in subsection 4, every inquest shall be held with a jury composed of five persons. Juries

(2) The coroner shall direct a constable to select from the list of names of persons provided under subsection 2 of section 28 five persons who in his opinion are suitable to serve as jurors at an inquest and the constable shall summon them to attend the inquest at the time and place appointed. Jurors

(3) Where fewer than five of the jurors so summoned attend at the inquest, the coroner may name and appoint so many persons then present or who can be found as will make up a jury of five. Idem

(4) With the consent of the Chief Coroner, an inquest in a provisional judicial district may be held without a jury. Inquest without jury in provisional judicial district

s. 44*a*, enacted

17. The said Act is further amended by adding thereto the following section:

Protection from liability

44*a*. No action or other proceeding for damages lies or shall be instituted against a coroner or any person acting under his authority for an act done by him in good faith in the performance or intended performance of any power or duty under this Act or the regulations, or for any neglect or default in the performance in good faith of any such power or duty.

Commencement

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. The short title of this Act is *The Coroners Amendment Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 20, 1978

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Coroners Act, 1972

1st Reading

May 11th, 1978

2nd Reading

May 23rd, 1978

3rd Reading

June 19th, 1978

THE HON. G. A. KERR
Solicitor General

BILL 90 1 aud. in leg.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the Ontario Student Housing Corporation

THE HON. C. BENNETT
Minister of Housing

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 90 **1978**

An Act respecting the Ontario Student Housing Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On the 30th day of June, 1978, Ontario Student Housing Corporation, a corporation constituted under Order in Council No. 3417/66 dated August 18th, 1966 and made under subsection 2 of section 6 of *The Housing Development Act*, is dissolved and all its real and personal property of any kind whatsoever and all its rights and privileges, including all rights under any agreement entered into by Ontario Student Housing Corporation and all causes of action are, on that date vested in the Ontario Housing Corporation, and all obligations, liabilities and responsibilities of Ontario Student Housing Corporation become on that date obligations, liabilities and responsibilities of the Ontario Housing Corporation.

Ontario Student Housing Corporation dissolved and its property, rights and obligations vested in Ontario Housing Corporation R.S.O. 1970, c. 213

2. This Act comes into force on the day it receives Royal Assent.

Commencement

3. The short title of this Act is *The Ontario Student Housing Corporation Act, 1978*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 20 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
the Ontario Student Housing
Corporation

1st Reading

May 18th, 1978

2nd Reading

May 30th, 1978

3rd Reading

May 30th, 1978

THE HON. C. BENNETT
Minister of Housing

BILL 91 Pauline Leg. Leg. Assem

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Building Code Act, 1974

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 91 1978

An Act to amend The Building Code Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *f* and *m* of section 1 of *The Building Code Act, 1974*, being chapter 74, are repealed and the following substituted therefor: s. 1 (*f*, *m*), re-enacted

(*f*) "demolition" means the doing of anything in the removal of a building or any material part thereof;

. . . . .

(*m*) "unsafe" when used in respect of a building means,

(i) structurally inadequate or faulty for the purposes for which it is used, or

(ii) in a condition that could be hazardous to persons in the normal use of the building.

2.—(1) Subsection 1 of section 5 of the said Act is repealed and the following substituted therefor: s. 5 (1), re-enacted

(1) No person shall construct or demolish or cause to be constructed or demolished a building in a municipality unless a permit has been issued therefor by the chief official. Building permits

(2) Subsection 2 of the said section 5 is amended by adding thereto the following clause: s. 5 (2), amended

(*g*) requiring that a set of plans of buildings as constructed be filed with the chief official on completion of the construction of buildings of such class or classes as prescribed by the regulations.

s. 6 (1), amended

3.—(1) Subsection 1 of section 6 of the said Act is amended by striking out "or" at the end of clause *a* and by adding thereto the following clause:

1976, c. 52

(*aa*) the applicant is a builder as defined in *The Ontario New Home Warranties Plan Act, 1976* and is not registered under that Act; or

. . . . .

s. 6 (3), re-enacted

(2) Subsection 3 of the said section 6 is repealed and the following substituted therefor:

Notice of change

(3) No person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying the chief official and filing details of such change with him for the purpose of obtaining his authorization.

s. 6, amended

(3) The said section 6 is amended by adding thereto the following subsection:

No construction except in accordance with permit

(5) No person shall construct or cause to be constructed a building in a municipality except in accordance with the plans, specifications, documents and any other information on the basis of which a permit was issued or any change thereto authorized by the chief official.

s. 7, re-enacted

4. Section 7 of the said Act is repealed and the following substituted therefor:

Conditions for occupation

7. Except as authorized by the regulations, no person shall occupy or use or permit to be occupied or used any building or part thereof newly erected or installed,

(*a*) until notice of the date of completion of the building or part thereof is given to the chief official;

(*b*) until,

(i) an inspection is made pursuant to such notice or

(ii) ten days have elapsed after the service of the notice or after the date of completion, whichever occurs last; and

(*c*) until any order made by an inspector under section is complied with.

5. The said Act is amended by adding thereto the following section: s. 8*a*, enacted

8a.—(1) An inspector or chief official may issue an order prohibiting the covering or enclosing of any part of a building pending inspection and where such an order is issued, an inspection shall be made within a reasonable time after notice is given by the person to whom the order is issued that he is ready for the inspection. Order not to cover

(2) Where a chief official has reason to believe that any part of a building has not been constructed in compliance with this Act and such part has been covered or enclosed, contrary to an order made by an inspector or chief official under subsection 1, he may order any person responsible for the construction to uncover the part at his own expense for the purpose of an inspection. Order to uncover

(3) Subsections 4, 5 and 6 of section 8 apply to an order made under this section. Application of s. 8 (4-6)

(4) Section 16 does not apply to a notice mentioned in subsection 1. s. 16 does not apply

6. Subsection 4 of section 9 of the said Act is repealed and the following substituted therefor: s. 9 (4), re-enacted

(4) Where the chief official has made an order under subsection 2 and considers it necessary for the safety of the public, he may cause the building to be renovated, repaired or demolished for the purpose of removing the unsafe condition or take such other action as he considers necessary for the protection of the public and, where the building is in a municipality, the cost of the renovation, repair, demolition or other action may be added by the clerk to the collector's roll and collected in like manner as municipal taxes. Repairs at expense of owner

7. Subsection 1 of section 13 of the said Act is repealed and the following substituted therefor: s. 13 (1), re-enacted

(1) Where there is a dispute between an applicant for or holder of a permit or a person to whom an order is given and the chief official or an inspector in respect of the interpretation of the technical requirements of the building code or the sufficiency of compliance with such technical requirements, any party to the dispute may apply to the Building Code Commission for a hearing and determination of the question. Hearings of Commission

s. 18 (1), amended

8. Subsection 1 of section 18 of the said Act is amended by adding thereto the following clause:

(*ea*) prescribing classes of buildings for the purposes of clause *g* of subsection 2 of section 5.

s. 23 (1) (*c*), re-enacted

9.—(1) Clause *c* of subsection 1 of section 23 of the said Act is repealed and the following substituted therefor:

(*c*) contravenes any provision of this Act or the regulations or of any by-law passed under the authority of this Act,

. . . . .

s. 23, amended

(2) The said section 23 is amended by adding thereto the following subsections:

Limitation period

(4) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose.

Fines paid to municipality

R.S.O. 1970, cc. 6, 167

(5) Where a fine is imposed under this section, the proceeds of the fine shall be paid to the treasurer of the municipality within which the offence giving rise to the fine was committed, and section 4 of *The Administration of Justice Act* and section 4 of *The Fines and Forfeitures Act* do not apply in respect of any such fine.

Commencement

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

11. The short title of this Act is *The Building Code Amendment Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 20 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Building Code Act, 1974

1st Reading

May 18th, 1978

2nd Reading

May 30th, 1978

3rd Reading

June 16th, 1978

THE HON. L. GROSSMAN
Minister of Consumer and
Commercial Relations

BILL 95

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to provide Probation Services to Young Offenders

THE HON. KEITH C. NORTON
Minister of Community and Social Services

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 95 **1978**

An Act to provide Probation Services to Young Offenders

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "court" means a provincial court (family division) or the Unified Family Court;

(*b*) "Minister" means the Minister of Community and Social Services;

(*c*) "Ministry" means the Ministry of Community and Social Services;

(*d*) "probationer" means a person who is bound by a probation order made under the *Juvenile Delinquents Act* (Canada). R.S.C. 1970, c. J-3

2.—(1) Such probation officers as are considered necessary for the purposes of this Act may be appointed under *The Public Service Act*. Probation officers appointed R.S.O. 1970, c. 386

(2) The Minister may designate any person, other than a person who is appointed a probation officer under subsection 1, as a probation officer for the purpose of this Act but every such designated probation officer shall exercise the powers and perform the duties assigned to the probation officer under the supervision and direction of a probation officer appointed under subsection 1. Probation officers designated

(3) Every probation officer appointed under subsection 1 or designated under subsection 2 is a probation officer in and for the Province of Ontario. Jurisdiction

3. The Minister may enter into written agreements with any person upon such terms and conditions as may be agreed to respecting the provision of probation services. Agreements

Functions of probation officer

4. It is a function of a probation officer to assist a probationer in relation to the court process by explaining in language suitable to his or her age and level of understanding the proceedings and decisions affecting the probationer and, in general, to provide guidance and advice to a probationer and his or her family for the purpose of helping the probationer adjust to and benefit from participation in community life.

Duties of probation officer

5.—(1) It is the duty of a probation officer,

(*a*) to procure and report to a court such information pertaining to a person found to have been delinquent as the court may require for the purpose of making a disposition of the case;

(*b*) to make recommendations in the report referred to in clause *a* as to the disposition of the case upon being requested by the court;

(*c*) to comply with any direction made to the probation officer by a court in a probation order.

Variation of direction

(2) Where a probation officer is of the opinion that compliance with a direction issued by a court is impracticable or impossible, the probation officer may apply to the court for a variation of its direction, and, the court, upon consideration of the reasons for the application, may vary its direction to the probation officer as it considers appropriate in the circumstances.

Duties assigned by Minister

6. In addition to the duties of a probation officer referred to in section 5, a probation officer shall perform such other duties as are assigned to him by the Minister.

Regulations

7. The Lieutenant Governor in Council may make regulations,

(*a*) respecting the qualifications, duties and powers of probation officers;

(*b*) prescribing the reports and returns to be made by probation officers.

Commencement

8. This Act comes into force on the 1st day of July, 1978.

Short title

9. The short title of this Act is *The Children's Probation Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 29 1978

Roderick Lewis

An Act to provide
Probation Services to Young Offenders

1st Reading

May 25th, 1978

2nd Reading

May 30th, 1978

3rd Reading

June 19th, 1978

THE HON. KEITH C. NORTON
Minister of Community and
Social Services

BILL 96

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Liquor Licence Act, 1975

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 96 1978

An Act to amend The Liquor Licence Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as llows:

1. Section 40 of *The Liquor Licence Act, 1975*, being chapter 40, is amended by adding thereto the following clauses: s. 40, amended

(*da*) providing for the reclassification of premises by the Board;

. . . . .

(*fa*) regulating the conduct of agents and representatives registered under section 39;

. . . . .

(*x*) prohibiting or regulating and controlling the possession of liquor in provincial parks.

2. Section 45 of the said Act is repealed and the following substituted therefor: s. 45, re-enacted

45.—(1) No person shall knowingly sell or supply liquor to a person under the age of nineteen years. Prohibition re sale of liquor

(2) No person shall sell or supply liquor to a person who is apparently under the age of nineteen years, and, in any prosecution for a contravention of this subsection, the justice shall determine from the appearance of such person and other relevant circumstances whether he is apparently under the age of nineteen years. Idem

(3) No person under the age of nineteen years shall have, consume, attempt to purchase, purchase or otherwise obtain liquor. Prohibition re purchase of liquor

Where subs. 3 does not apply

(4) Subsection 3 does not operate to prohibit a person o the age of eighteen years being in possession of liquor durin the course of his employment on premises in which the sal of liquor is authorized.

Prohibition re entering premises

(5) No person under the age of nineteen years shall ente or remain on premises in which the sale of liquor is authorize except those classes of premises that are prescribed by th regulations.

Exception to subs. 5

(6) Subsection 5 does not apply to a person of the age o eighteen years employed on premises in which the sale o liquor is authorized while he is on such premises during th course of his employment.

Application of section

(7) This section does not apply to the supplying o liquor to a person under the age of nineteen years by th parent or guardian of such person in a residence as define in section 46 or to the consumption of liquor therein b such person.

Card as proof of age

(8) A person who sells or supplies liquor to another perso shall be deemed not to be in contravention of subsection or 2 if, before he sells or supplies the liquor, a card in th form prescribed by the regulations is produced to him by th person to whom he sells or supplies the liquor, which pur ports to be issued by the Board to the person producing it an if there is no apparent inconsistency on the face of the car or between the card and the person producing it.

Where deemed to be over 19 years

(9) For the purposes of this section, every person wh attains the age of eighteen years on or before the 31st da of December, 1978 shall be deemed to be over the age o nineteen years.

s. 46, amended

3.—(1) Section 46 of the said Act is amended by adding theret the following subsection:

Unlawful possession

(2*a*) No person shall have liquor in any place oth than a premises in respect of which a licence or permit issued or a residence except where the liquor is in a close container and the container is not displayed to public view.

s. 46 (4), re-enacted

(2) Subsection 4 of the said section 46 is repealed and th following substituted therefor:

Arrest without warrant

(4) A police officer may arrest without warrant any perso whom he finds contravening subsection 3 where, in th opinion of the police officer, to do so is necessary for th safety of the person or is necessary to protect anoth person from injury.

4. The said Act is amended by adding thereto the following section: s. 46*a*, enacted

46*a*.—(1) The council of a municipality, including a metropolitan or regional municipality, may by by-law designate stadia, arenas and other recreational areas within the municipality owned or controlled by the municipality as places where possession of liquor is prohibited. By-law designating public place

(2) A designation under subsection 1 does not operate to prevent the Board from issuing any licence or permit under this Act. Non-application of subs. 1

(3) No person shall have liquor in a place designated under subsection 1. Unlawful possession

(4) Subsection 3 does not apply to a person in possession of liquor under the authority of a licence or permit or in possession of liquor purchased on premises in respect of which a licence or permit is issued. Exception to subs. 3

5. Section 47 of the said Act is amended by adding thereto the following subsections: s. 47, amended

(3) The holder of a licence or his employee may, Right to refuse entry

(*a*) request a person to leave; or

(*b*) forbid a person to enter the licensed premises,

where he has reason to believe that the presence of that person on the premises is undesirable.

(4) No person shall, Not to remain after request to leave

(*a*) remain on licensed premises after he is requested to leave by the holder of the licence or his employee; or

(*b*) re-enter the licensed premises on the same day he was requested to leave.

6. Subsection 1 of section 52 of the said Act is repealed and the following substituted therefor: s. 52 (1), re-enacted

(1) Any person who is over the age of nineteen years and not an interdicted person may apply to the Board for a card indicating that such person has attained the age of nineteen years. Card indicating age

Idem

(1*a*) Any person who is over the age of eighteen years on the 1st day of January, 1979 and not an interdicted person may apply to the Board for a card indicating that such person has attained the age of eighteen years on or before the 31st day of December, 1978.

s. 55 (1), amended

7.—(1) Subsection 1 of section 55 of the said Act is amended by striking out "$2,000" in the thirteenth line and inserting in lieu thereof "$10,000".

s. 55, amended

(2) The said section 55 is amended by adding thereto the following subsections:

Additional penalty

(1*a*) In addition to any other penalty or action under this Act, the licence of every person who contravenes subsection 2 of section 45 shall be suspended for a period of not less than seven days.

Minimum fine

(1*b*) Where a person who is the holder of a licence contravenes subsection 2 of section 45, the fine imposed under subsection 1 shall be not less than $500.

Idem

(1*c*) Where a person who is not the holder of a licence contravenes subsection 2 of section 45, the fine imposed under subsection 1 shall be not less than $100.

s. 56 (1), re-enacted

8. Subsection 1 of section 56 of the said Act is repealed and the following substituted therefor:

Seizure of liquor

(1) Where liquor is found by a police officer under circumstances where the liquor constitutes evidence necessary to prove a contravention of this Act, or where an offence is committed under this Act and a police officer, on reasonable and probable grounds, in view of the offence committed and the presence of liquor, believes that a further offence is likely to be committed, the police officer may seize and take away the liquor and packages in which it is kept.

s. 59 (*c*), re-enacted

9. Clause *c* of section 59 of the said Act is repealed and the following substituted therefor:

R.S.C. 1970, c. F-27

(*c*) subject to section 49, of a medicine registered under the *Food and Drugs Act* (Canada); or

. . . . .

Commencement

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

11. The short title of this Act is *The Liquor Licence Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 20 1978

Roderick Lewis

An Act to amend
The Liquor Licence Act, 1975

1st Reading

May 25th, 1978

2nd Reading

June 12th, 1978

3rd Reading

June 19th, 1978

THE HON. L. GROSSMAN
Minister of Consumer and
Commercial Relations

BILL 103 1 cont. in leg. Leg. S. Lib

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise The Condominium Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 103 **1978**

An Act to revise The Condominium Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "auditor" means a person licensed as a public accountant under *The Public Accountancy Act*; R.S.O. 1970, c. 373

(*b*) "board" means the board of directors of a corporation;

(*c*) "buildings" means the buildings included in a property;

(*d*) "bureau" means the corporation designated under section 56;

(*e*) "by-law" means a by-law of a corporation;

(*f*) "claim" includes a right, title, interest, encumbrance, or demand of any kind affecting land, but does not include the interest of an owner in his unit and common interest;

(*g*) "common elements" means all the property except the units;

(*h*) "common expenses" means the expenses of the performance of the objects and duties of a corporation and any expenses specified as common expenses in this Act or in a declaration;

(*i*) "common interest" means the interest in the common elements appurtenant to a unit;

(*j*) "common surplus" means the excess of all receipts of the corporation over the expenses;

(*k*) "corporation" means a corporation created by this Act;

(*l*) "declarant" means the owner or owners in fee simple of the land described in the description at the time of registration of a declaration and description of the land, and includes any successor or assignee of such owner or owners but does not include a *bona fide* purchaser of a unit who actually pays fair market value or any successor or assignee of such purchaser;

(*m*) "declaration" means the declaration specified in section 3, and includes any amendments;

(*n*) "description" means the description specified in section 4;

(*o*) "encumbrance" means a claim that secures the payment of money or the performance of any other obligation, and includes a charge under *The Land Titles Act*, a mortgage and a lien;

R.S.O. 1970, c. 234

(*p*) "mortgage" includes charge and "mortgagee" includes chargee;

(*q*) "owner" means the owner or owners of the freehold estate or estates in a unit and common interest, but does not include a mortgagee unless in possession;

(*r*) "prescribed" means prescribed by the regulations;

(*s*) "property" means the land and interests appurtenant to the land described in the description, and includes any land and interests appurtenant to land that are added to the common elements;

(*t*) "proposed unit" means land described in an agreement of purchase and sale that provides for delivery to the purchaser of a deed or transfer capable of registration after a declaration and description have been registered in respect of the land;

(*u*) "records" shall include those items enumerated in subsection 3 of section 26 and financial records prepared on behalf of the corporation, minutes of owners meetings and board meetings, as well as any amendments to the declaration, by-laws and rules;

(*v*) "registered" means registered under *The Land Titles Act* or *The Registry Act*; R.S.O. 1970, cc. 234, 409

(*w*) "regulations" means the regulations made under this Act;

(*x*) "special by-law" means a by-law that is not effective until it is,

(i) passed by the board, and

(ii) confirmed, with or without variation, by owners who own not less than two-thirds of the units at a meeting duly called for that purpose;

(*y*) "surveyor" means an Ontario land surveyor registered under *The Surveyors Act*; R.S.O. 1970, c. 452

(*z*) "unit" means a part or parts of the land included in the description and designated as a unit by the description, and comprises the space enclosed by its boundaries and all the material parts of the land within this space in accordance with the declaration and description. R.S.O. 1970, c. 77, s. 1 (1); 1974, c. 133, s. 1, *amended*.

(2) For the purposes of this Act, the ownership of land includes the ownership of space. R.S.O. 1970, c. 77, s. 1 (2). Ownership of land

DECLARATION AND DESCRIPTION

2.—(1) A property shall comprise only freehold land and interests, if any, appurtenant to that land. Freehold land only

(2) A declaration and description may be registered by or on behalf of the owner in fee simple of the land described in the description. Who may register

(3) Where the land and the interests appurtenant to the land described in the description are not entirely within one land titles or registry division or not entirely under *The Land Titles Act* or *The Registry Act*, the description shall not be registered. Land must be in one division

(4) Where the land described in a description is situate in a provisional judicial district or in a county, part of a county, city or separated town to which *The Land Titles Act* applies, the declaration and description must be registered under that Act. Where land in land titles area

Where land not in land titles area

R.S.O. 1970, cc. 234, 59, 409

(5) Where the land described in a description is situate in a county, part of a county, city or separated town to which *The Land Titles Act* does not apply, a certificate of title under *The Certification of Titles Act* showing the owner by whom the declaration and description are being registered as the owner in fee simple of the land shall be registered under *The Registry Act* before the declaration and description are registered.

Effect of registration

(6) Upon registration of a declaration and description, the land and the interests appurtenant to the land described in the description are governed by this Act. R.S.O. 1970, c. 77, s. 2.

What declaration must contain

3.—(1) A declaration shall not be registered unless it is executed by the owner or owners of the land and interests appurtenant to the land described in the description and unless it contains,

(*a*) a statement of intention that the land and interests appurtenant to the land described in the description be governed by this Act;

(*b*) the consent, in the prescribed form, of every person having a registered mortgage against the land or interests appurtenant to the land described in the description;

(*c*) a statement, expressed in percentages, of the proportions of the common interests;

(*d*) a statement, expressed in percentages allocated to the units, of the proportions in which the owners are to contribute to the common expenses;

(*e*) an address for service and a mailing address for the corporation; and

(*f*) a specification of any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners. R.S.O. 1970, c. 77, s. 3 (1); 1974, c. 133, s. 2 (1), *amended*.

Where consent not to be withheld

(2) The consent mentioned in clause *b* of subsection 1 shall not be withheld by reason only of the failure of the proposed declarant to enter into a specified number of agreements of purchase and sale for the sale of proposed units. *New*.

(3) In addition to the matters mentioned in subsection 1, and in any other section in this Act, a declaration may contain, **What declaration may contain**

(*a*) a specification of common expenses;

(*b*) provisions respecting the occupation and use of the units and common elements;

(*c*) provisions restricting gifts, leases and sales of the units and common interests;

(*d*) a specification of duties of the corporation consistent with its objects; and

(*e*) a specification of any allocation of the obligations to repair and to maintain the units and common elements. R.S.O. 1970, c. 77, s. 3 (2), *amended*.

(4) Subject to subsection 5, the declaration may be amended only with the consent of all owners and all persons having registered mortgages against the units and common interests. R.S.O. 1970, c. 77, s. 3 (3), *amended*. **Amendment of declaration**

(5) Where any provision in a declaration or by-law is inconsistent with the provisions of this Act, the provisions of this Act shall prevail and the declaration or by-law is deemed to be amended accordingly. *New*. **Inconsistent provisions**

(6) When a declaration is amended, the corporation shall register a copy of the amendment executed by all the owners and all persons having registered mortgages against the units and common interests, and until the copy is registered the amendment is ineffective. R.S.O. 1970, c. 77, s. 3 (4). **Registration**

(7) Notwithstanding subsections 4 and 6, the corporation may by resolution of the board change its address for service and its mailing address and the change does not take effect until a notice thereof in the prescribed form is registered. **Change of address for service**

(8) The corporation, on at least seven days notice to every owner and mortgagee, or an owner, on at least seven days notice to the corporation and every other owner and mortgagee, may apply to a judge of the county or district court for an order amending the declaration or description and the judge, if he is satisfied that an amendment is necessary or desirable to correct an error or inconsistency in the declaration or description or arising out of the carrying out of the intent and purpose of the declaration or description, may make the order. **Amendment by judge**

Registration

(9) An amendment to a declaration or description made by an order under subsection 8 is ineffective until a certified copy of the order is registered. 1974, c. 133, s. 2 (2), *amended.*

What description must contain

4.—(1) A description shall contain,

(*a*) a plan of survey showing the perimeter of the horizontal surface of the land and the perimeter of the buildings;

(*b*) structural plans of the buildings;

(*c*) a specification of the boundaries of each unit by reference to the buildings;

(*d*) diagrams showing the shape and dimensions of each unit and the approximate location of each unit in relation to the other units and the buildings;

(*e*) a certificate of a surveyor that the buildings have been constructed and that the diagrams of the units are substantially accurate and substantially in accordance with the structural plans; and

(*f*) a description of any interests appurtenant to the land that are included in the property,

prepared in accordance with the regulations.

Approval of description

(2) A description shall not be registered unless it has been approved in accordance with the regulations. R.S.O. 1970, c. 77, s. 4.

REGISTRATION

Index

5.—(1) Every land registrar in whose office a declaration and description are registered shall keep an index in the prescribed form to be known as the "Condominium Corporations Index".

Combined offices

(2) Where a land titles office is combined with a registry office, one index under subsection 1 shall be kept for all declarations and descriptions registered in the combined offices.

Condominium Register

(3) Every land registrar in whose office a declaration and description are registered shall keep a register in the prescribed form to be known as the "Condominium Register".

(4) Declarations, descriptions, by-laws, notices of termination, and other instruments respecting land governed by this Act shall be registered and recorded in the Condominium Register in accordance with this Act and the regulations, but, except as otherwise provided by this Act and the regulations, *The Land Titles Act* or *The Registry Act*, as the case may be, applies in respect of property governed by this Act. R.S.O. 1970, c. 77, s. 5; 1974, c. 133, s. 3.

This Act to govern registrations, etc.

R.S.O. 1970, cc. 234, 409

UNITS AND COMMON ELEMENTS

6.—(1) Units and common interests are real property for all purposes.

Nature of units and common interests

(2) Subject to this Act, the declaration and the by-laws, each owner is entitled to exclusive ownership and use of his unit.

Ownership of units

(3) No condition shall be permitted to exist and no activity shall be carried on in any unit or the common elements that are likely to damage the property.

Dangerous activities

(4) The corporation or any person authorized by the corporation may enter any unit at any reasonable time to perform the objects and duties of the corporation. R.S.O. 1970, c. 77, s. 6.

Right to entry

7.—(1) The owners are tenants in common of the common elements.

Ownership of common elements

(2) An undivided interest in the common elements is appurtenant to each unit.

Common interests

(3) The proportions of the common interests are those expressed in the declaration.

Proportions

(4) Each owner may make reasonable use of the common elements subject to this Act, the declaration, the by-laws and the rules.

Use of common elements

(5) The ownership of a unit shall not be separated from the ownership of the common interest, and any instrument that purports to separate the ownership of a unit from a common interest is void.

Ownership not to be separated

(6) Except as provided by this Act, the common elements shall not be partitioned or divided.

No division

Encumbrances not enforceable

(7) No encumbrance is enforceable against the common elements after the declaration and description are registered.

Saving

(8) Where, but for subsection 7, an encumbrance would be enforceable against the common elements, the encumbrance is enforceable against all the units and common interests.

Discharge

(9) Any unit and common interest may be discharged from such an encumbrance by payments to the claimant of a portion of the sum claimed, determined by the proportions specified in the declaration for sharing the common interests.

Idem

(10) Upon payment of a portion of the encumbrance sufficient to discharge a unit and common interest, and upon demand, the claimant shall give to the owner a discharge of that unit and common interest in accordance with the regulations. R.S.O. 1970, c. 77, s. 7 (1-10).

Assessment

(11) For the purposes of municipal assessment and taxation, each unit and common interest constitute a parcel, and the common elements do not constitute a parcel except for those parts of the common elements that are leased for business purposes under section 9 upon which the lessee carries on an undertaking for gain that will constitute separate parcels for business assessment under *The Assessment Act*. R.S.O. 1970, c. 77, s. 7 (11), *amended*.

R.S.O. 1970, c. 32

Where corporation deemed to be occupier

(12) For the purpose of determining liability resulting from breach of the duties of an occupier of land, the corporation shall be deemed to be the occupier of the common elements and the owners shall be deemed not to be occupiers of the common elements. R.S.O. 1970, c. 77, s. 7 (12).

EASEMENTS

Easements appurtenant to units

8.—(1) The following easements are appurtenant to each unit:

1. Where a building or any part of a building,

   (*a*) moves after registration of the declaration and description; or

   (*b*) after having been damaged and repaired, is not restored to the position occupied at the time of registration of the declaration and description,

an easement for exclusive use and occupation in accordance with this Act, the declaration and the by-laws, over the space of the other units and common elements that would be space included in the unit if the boundaries of the unit were determined by the position of the buildings from time to time after registration of the description and not at the time of registration.

2. An easement for the provision of any service through any installation in the common elements or any other unit.

3. An easement for support by the common elements and any other unit capable of providing support.

Easements appurtenant to common elements

(2) The following easements are appurtenant to the common elements:

1. An easement for the provision of any service through any installation in any unit.

2. An easement for support by any unit capable of providing support. R.S.O. 1970, c. 77, s. 8.

Easements and leases of common elements

9.—(1) The corporation may, by special by-law,

(*a*) lease any part of the common elements, except any part that the declaration specifies is to be used by the owners of one or more designated units and not by all the owners; and

(*b*) grant or transfer an easement or licence through the common elements.

Binding on all owners

(2) A lease or grant or transfer or an easement or licence mentioned in subsection 1, signed by the authorized officers of the corporation under its seal, affects the interest of every owner in the common elements as if the lease, grant or transfer had been executed by him, and shall have attached thereto an affidavit of one of the officers stating that the lease, grant or transfer was authorized by a special by-law of the corporation. 1974, c. 133, s. 4, *amended*.

CORPORATION

Creation

10.—(1) The registration of a declaration and description creates a corporation without share capital whose members are the owners from time to time. R.S.O. 1970, c. 77, s. 9 (1).

Name of corporation

(2) The land registrar shall assign a name to each corporation or proposed corporation in accordance with the regulations. 1974, c. 133, s. 5 (1).

R.S.O. 1970, cc. 89, 280 1976, c. 66 not to apply

(3) *The Corporations Act, The Corporations Information Act, 1976* and the provisions respecting mortmain of *The Mortmain and Charitable Uses Act* do not apply to the corporation. R.S.O. 1970, c. 77, s. 9 (3).

Corporation seal

11.—(1) The corporation shall have a seal that shall be adopted and may be changed by resolution of the directors.

Idem

(2) The name of the corporation shall appear in legible characters on the seal. *New.*

Objects

12.—(1) The objects of the corporation are to manage the property and any assets of the corporation. R.S.O. 1970, c. 77, s. 9 (4).

Corporation duty

(2) The corporation has a duty to control, manage and administer the common elements and the assets of the condominium corporation. *New.*

Duty to effect compliance

(3) The corporation has a duty to effect compliance by the owners with this Act, the declaration, the by-laws and the rules. R.S.O. 1970, c. 77, s. 9 (12), *amended.*

Duties

(4) The declaration or the by-laws may specify duties of the corporation consistent with its objects, responsibilities and duties. R.S.O. 1970, c. 77, s. 9 (13), *amended.*

Right to performance of duties

(5) Each owner and each person having a registered mortgage against a unit and common interest has the right to the performance of any duty of the corporation specified by this Act, the declaration, the by-laws and the rules. R.S.O. 1970, c. 77, s. 9 (14), *amended.*

Real and personal property

13.—(1) The corporation may own, acquire, encumber and dispose of real and personal property for the use and enjoyment of the property.

Interest in assets

(2) The owners share the assets of the corporation in the same proportions as the proportions of their common interests in accordance with this Act, the declaration and the by-laws. R.S.O. 1970, c. 77, s. 9 (15, 16).

Action by corporation

14.—(1) The corporation after giving written notice to all owners and mortgagees may, on its own behalf and on behalf of any owner, sue for and recover damages and costs

in respect of any damage to common elements, the assets of the corporation or individual units, and the legal and court costs in any such actions brought in whole or in part on behalf of any owners in respect of their units shall be borne by those owners in the proportion in which their interests are affected.

(2) The corporation after giving written notice to all owners and mortgagees may sue on its own behalf and on behalf of any owner with respect to the common elements and any units, notwithstanding that the corporation was not a party to the contract in respect of which the action is brought, and the legal and court costs in an action brought in whole or in part on behalf of any owners in respect of their units shall be borne by those owners in the proportion in which their interests are affected. Idem

(3) The notice referred to in subsections 1 and 2 is not required to be given in respect of an action brought in the small claims court. *New.* Idem

(4) Any judgment for payment in favour of the corporation in an action brought on its own behalf is an asset of the corporation. R.S.O. 1970, c. 77, s. 9 (18), *amended.* Idem

(5) The corporation may, as representative of the owners of the units, be sued in respect of any matter relating to the common elements or assets of the corporation. *New.* Corporation may be sued

(6) Where an action is commenced after this Act comes into force, a judgment for the payment of money against the corporation is also a judgment against each owner at the time of judgment for a portion of the judgment determined by the proportions specified in the declaration for sharing the common interests. Judgment against corporation

(7) Where an action has been commenced before this Act came into force, a judgment for the payment of money against the corporation is also a judgment against each owner at the time the cause of action arose for a portion of the judgment determined by the proportions specified in the declaration for sharing the common expenses. R.S.O. 1970, c. 77, s. 9 (17), *amended.* Idem

15.—(1) The affairs of the corporation shall be managed by a board of directors, consisting of three persons or such greater number as the by-laws may provide, elected by the owners. R.S.O. 1970, c. 77, s. 9 (5), *amended.* Board of directors

Change in number of directors

(2) A corporation may by by-law increase or, subject to subsection 1, decrease the number of the directors as set out in its by-laws.

Age of directors

(3) No person under eighteen years of age shall be a director of the corporation.

Qualifications

(4) No undischarged bankrupt or mentally incompetent person shall be a director and if a director becomes a bankrupt or a mentally incompetent person he thereupon ceases to be a director.

Consent

(5) A person who is elected or appointed a director is not a director unless,

(*a*) he was present at the meeting when he was elected or appointed and did not refuse at the meeting to act as a director; or

(*b*) when he was not present at the meeting when he was elected or appointed, he consented to act as director in writing before his election or appointment or within ten days thereafter.

Idem

(6) For the purposes of subsection 5, a person who is elected or appointed as director and refuses under clause *a* of that subsection or fails to consent under clause *b* of that subsection shall be deemed not to have been elected or appointed as a director. *New.*

Term

(7) The term of the members of the board shall be three years or such lesser period as the by-laws may provide, but the directors may continue to act until their successors are elected, and directors are eligible for re-election. R.S.O. 1970, c. 77, s. 9 (6), *amended.*

Removal

(8) Any director may be removed before the expiration of his term by a vote of owners who together own a majority of the units and the owners may elect, in accordance with the by-laws dealing with the election of directors, any person qualified to be a member of the board for the remainder of the term of the director removed.

Vacancy

(9) If a vacancy in the membership of the board occurs, other than by way of removal under subsection 8 or as a result of the number of directors being increased, subject to subsection 11, the majority of the remaining members of the board may appoint any person qualified to be a member of the board to fill the vacancy until the next annual meeting at which time the vacancy shall be filled by election by the owners. 1974, c. 133, s. 5 (2), *amended.*

(10) Where the number of directors is increased, the vacancies resulting from such increase shall only be filled by election at a meeting of the owners duly called for that purpose. Increase

(11) When there is not a quorum of directors in office, the director or directors then in office shall forthwith call a meeting of owners to fill the vacancies, and, in default or if there are no directors then in office, the meeting may be called by any owner. *New*. Election when no quorum

16.—(1) A quorum for the transaction of business is a majority of the members of the board or such greater number as the by-laws may provide. R.S.O. 1970, c. 77, s. 9 (8), *amended*. Quorum

(2) No business of a corporation shall be transacted by its board except at a meeting of directors at which a quorum of the board is present. Conduct of business

(3) Where there is a vacancy or vacancies in the board, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office. Idem

(4) In addition to any other provision in the by-laws of a corporation for calling meetings of directors, a quorum of the directors may, at any time, call a meeting of the directors for the transaction of any business, the general nature of which is specified in the notice calling the meeting. Calling meetings of directors

(5) In the absence of any other provision in that behalf in the by-laws of the corporation, at least ten days written notice of the time and place for the holding of the meeting shall be given to every director of the corporation, personally or by prepaid mail, addressed to him at his latest address as shown on the records of the corporation. *New*. Notice

17.—(1) Every director of a corporation who has, directly or indirectly, any interest in any contract or transaction to which the corporation is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the corporation, the cost of the property to the purchaser and the cost thereof to the seller, if acquired by the seller within five years before the date of the contract or transaction, to the extent Disclosure by director of interest in contracts

to which such interest or information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transaction be counted in the quorum.

Interest to be material

(2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless the interest and the contract or transaction are both material.

When declaration of interest to be made

(3) The declaration required in subsection 1 shall be made at the meeting of the directors at which the proposed contract or transaction is first considered, or if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested, or if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested, or if a contract or a proposed contract or transaction is one that in the ordinary course of the corporation's business would not require approval by the directors or owners, at the first meeting of the directors held after the director becomes aware of it.

Effect of declaration

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the corporation or to its owners for any profit or gain realized from the contract or transaction, and the contract or transaction is not voidable by reason only of the director's interest therein.

Confirmation by owners

(5) Notwithstanding anything in this section, a director, if he was acting honestly and in good faith, is not accountable to the corporation or to the owners for any profit or gain realized from any such contract or transaction by reason only of his holding the office of director, and the contract or transaction is not by reason only of the director's interest therein voidable,

(*a*) if the contract or transaction is confirmed or approved by at least two-thirds of the votes cast at a meeting of the owners duly called for that purpose; and

(*b*) if the nature and extent of the director's interest in the contract or transaction are declared and disclosed in reasonable detail in the notice calling the meeting.

(6) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of or has a material interest in a person that is a party to a contract or proposed contract with the corporation is a sufficient declaration of interest in relation to any contract so made. *New.* General notice of interest

18.—(1) A corporation shall hold an annual meeting of the owners not more than three months after the registration of the declaration and description, and subsequently not more than fifteen months after the holding of the last preceding annual meeting, and at such meeting any owner or any mortgagee entitled to vote shall have an opportunity to raise any matter relevant to the affairs and business of the corporation. Annual meetings

(2) The board, or any mortgagee holding mortgages on not less than 15 per cent of the units, may at any time call a meeting of the owners of the corporation for the transaction of any business, the nature of which shall be specified in the notice calling the meeting. 1974, c. 133, s. 6, *part, amended.* Other meetings

(3) Unless otherwise provided in this Act, a quorum for the transaction of business at a meeting of owners is those owners present in person or represented by proxy owning 33⅓ per cent of the units. *New.* Quorum

19.—(1) The board shall, upon receipt of a requisition in writing made by owners who together own at least 15 per cent of the units, call and hold a meeting of the owners and if the meeting is not called and held within thirty days of the receipt of the requisition, any of the requisitionists may call the meeting, and in such case, the meeting shall be held within sixty days of receipt of the requisition. Requisition for owners' meeting

(2) The requisition shall state the nature of the business to be presented at the meeting and shall be signed by the requisitionists and deposited at the address for service of the corporation. 1974, c. 133, s. 6, *part, amended.* Requisition

20.—(1) At least ten days written notice of every meeting of the owners specifying the place, the date and the hour thereof and the nature of the business to be presented shall be given to each owner or mortgagee entitled to vote, personally or by prepaid mail addressed to him at the address provided under subsection 2. Notice

(2) The corporation shall maintain a record upon which shall be entered each owner or mortgagee who notifies the corporation of his entitlement to vote and of his address for service, and the notice of a meeting required by subsection 1 Sufficient notice

shall be deemed to be sufficiently given if given in accordance with subsection 1 to those persons entered on the record twelve days before the date of the meeting. 1974, c. 133, s. 6, *part, amended.*

Right to vote

(3) A mortgagee who receives a notice shall, in order to be entitled to exercise the right of the owner to vote or to consent, notify the corporation and the owner of his intention to exercise such right at least two days before the date specified in the notice for the meeting. 1974, c. 133, s. 6, *part, amended.*

Records

21. The corporation shall keep adequate records, and any owner or his agent duly authorized in writing may inspect the records on reasonable notice and at any reasonable time. R.S.O. 1970, c. 77, s. 9 (11), *amended.*

Voting

22.—(1) All voting by owners shall be on the basis of one vote per unit and, where two or more persons entitled to vote in respect of one unit disagree on their vote, the vote in respect of that unit shall not be counted.

Idem

(2) On a show of hands or on a poll, votes may be given either personally or by proxy.

Proxy

(3) An instrument appointing a proxy shall be in writing under the hand of the appointer or his attorney, and may be either general or for a particular meeting.

Idem

(4) A proxy need not be an owner.

Where not entitled to vote

(5) Except where, under this Act or the by-laws of the corporation, a unanimous vote of all the owners is required, an owner is not entitled to vote at any meeting if any contributions payable in respect of his unit are in arrears for more than thirty days prior to the meeting.

Majority voting

(6) Unless otherwise provided in this Act, all questions proposed for the consideration of the owners at a meeting of owners shall be determined by a majority of the votes cast.

No vote for parking or storage unit

(7) No owner is entitled to a vote in respect of a unit that is intended for parking or storage purposes. *New.*

Officers

23.—(1) A corporation shall have a president and a secretary and such other officers as are provided for by by-law or by resolution of the directors and the same person may hold two or more offices.

(2) In the absence of other provisions in that behalf in the by-laws, the directors, Election and appointment

(*a*) shall elect the president from among themselves;

(*b*) shall appoint or elect the secretary; and

(*c*) may appoint or elect one or more vice-presidents or other officers. *New*.

24.—(1) Every director and officer of a corporation shall exercise the powers and discharge the duties of his office honestly and in good faith. *New*. Standards of care, etc., of directors

(2) The acts of a member of the board or an officer of the board are valid notwithstanding any defect that may afterwards be discovered in his election or qualifications. R.S.O. 1970, c. 77, s. 9 (9). Defects

25.—(1) Subject to subsection 2, the by-laws of a corporation may provide that every director and officer of the corporation and his heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the corporation from and against, Indemnification of directors

(*a*) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and

(*b*) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the corporation.

(2) No director or officer of a corporation shall be indemnified by the corporation in respect of any liability, costs, charges or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as director or officer, he has achieved complete or substantial success as a defendant. Idem

(3) A corporation may purchase and maintain insurance for the benefit of a director or officer thereof except insurance against a liability, cost, charge or expense of the director or Insurance

officer incurred as a result of a contravention of subsection 1 of section 24. *New*.

Election of new board

26.—(1) The board elected at a time when the declarant owns a majority of the units shall, not more than twenty-one days after the declarant ceases to be the registered owner of a majority of the units, call a meeting of the owners to elect a new board, and such meeting shall be held within twenty-one days after the calling of the meeting.

Owner, etc., may call meeting

(2) If the meeting referred to in subsection 1 is not called within the time provided for by that subsection, any owner or any mortgagee entitled to vote may call the meeting. 1974, c. 133, s. 6, *part, amended*.

Things to be turned over to the board

(3) At the meeting required under subsection 1, the declarant shall give to the board elected at that meeting,

(*a*) the seal of the corporation;

(*b*) the minute book for the corporation, containing the most current copies of the declaration, by-laws, rules and regulations and any amendments thereto;

(*c*) copies of all agreements entered into by the corporation or the declarant or his representatives on behalf of the corporation, including the management contracts, deeds, leases, licences and those items set out in subsection 6 of section 52;

(*d*) a record maintained under subsection 2 of section 20;

(*e*) the existing warranties and guarantees for all the equipment, fixtures and chattels included in the sale of either the units or common elements that are not protected by warranties and guarantees given directly to a unit purchaser;

(*f*) the as-built architectural, structural, engineering, mechanical, electrical and plumbing plans;

(*g*) the original specifications indicating thereon all material changes;

(*h*) the plans for underground site service, site grading, drainage and landscaping together with cable television drawings if available;

(*i*) such other available plans and information not mentioned in clause *f*, *g*, or *h* but relevant to future repair or maintenance of the property;

(*j*) an unaudited financial statement prepared as at a date not earlier than thirty days prior to the meeting;

(*k*) a table depicting the maintenance responsibilities and indicating whether the corporation or the unit owners are responsible;

(*l*) bills of sale or transfers for all items that are assets of the condominium corporation but not part of the real property;

(*m*) a list detailing current replacement costs and life expectancy under normal maintenance conditions of all major capital items in the property, including, where applicable, those items set out in subsection 1 of section 36; and

(*n*) all financial records of the corporation and of the declarant relating to the operation of the corporation from the date of registration of the declaration and the description.

Idem

(4) The declarant shall give to the board within sixty days after the meeting required under subsection 1 an audited financial statement prepared as at the date of the meeting required under subsection 1. *New.*

Corporation shall maintain insurance

27.—(1) The corporation shall obtain and maintain insurance on its own behalf and on behalf of the owners of the units and common elements, excluding improvements and betterments made or acquired by an owner, against major perils to the replacement cost thereof, and against such other perils as may be specified by the declaration or by-laws, and for this purpose the corporation shall be deemed to have an insurable interest in the units and common elements.

Payment of insurance

(2) Any payment by an insurer under a policy of insurance entered into under subsection 1 shall, notwithstanding the terms of the policy, be paid to the order of insurance trustees, if any, or otherwise shall be paid to or to the order of the corporation and, subject to subsection 2 of section 42, the corporation shall forthwith use the proceeds for the repair or replacement of the damaged units and common elements so far as the same may be effected lawfully.

Insurance under subs. 1 not other insurance

(3) Insurance obtained and maintained by a corporation under subsection 1 shall be deemed not to be other insurance for the purpose of any prohibition of or condition against other insurance in a policy of an owner insuring against loss of or damage to his unit or his interest in the common ele-

ments and covering only to the extent that the insurance placed by the corporation is inapplicable, inadequate or ineffective.

Insurance non-contributory R.S.O. 1970, c. 224

(4) Notwithstanding section 124 of *The Insurance Act* or the provisions of the policy, a policy of insurance issued under subsection 1 and any other policy of insurance, except another policy issued under subsection 1, are not liable to be brought into contribution with each other.

Liability insurance

(5) The corporation shall obtain and maintain insurance against its liability resulting from breach of duty as occupier of the common elements or arising from the ownership, use or operation, by or on its behalf, of boilers, machinery, pressure vessels and motor vehicles, in addition to such other insurance as may be specified in the declaration or by-laws.

Act of person does not breach policy

(6) Notwithstanding the terms of a policy issued under subsection 1, no act of any person shall be deemed to be a breach of the conditions of the policy where such act is prejudicial to the interests of the corporation or the owners.

Provision for notice

(7) A policy of insurance issued under subsection 1 shall be deemed to include provision for sixty days notice sent by registered mail to be given by the insurer to the corporation and to the insurance trustees, if any, in the event of termination of the insurance by the insurer.

Application of section

(8) In the event that any provision of a policy issued under subsection 1 or any part of *The Insurance Act* is in conflict or inconsistent with this section or any part thereof, the provisions of this section shall apply.

Capacity to maintain insurance

(9) Nothing in this section shall be construed to restrict the capacity of a corporation, an owner or any other person to obtain and maintain insurance in respect of any insurable interest.

Insurance money to be used for repairs R.S.O. 1970, c. 279

(10) Notwithstanding any provision in a mortgage and notwithstanding subsection 2 of section 6 of *The Mortgages Act*, a mortgagee shall not require that any money received on an insurance of the property or any part thereof be applied in or towards the discharge of the money due under his mortgage and any such requirement is void.

Interpretation

(11) For the purposes of subsection 1, "major perils" means the perils of fire, lightning, smoke, windstorm, hail, explosion, water escape, strikes, riots or civil commotion, impact by aircraft and vehicles, vandalism and malicious mischief. R.S.O. 1970, c. 77, s. 15, *amended*.

BY-LAWS AND RESOLUTIONS

28.—(1) The board may pass by-laws, not contrary to this Act or to the declaration, By-laws

(*a*) to govern the number, qualification, nomination, election, term of office and remuneration of the directors;

(*b*) to regulate the meeting, quorum and functions of the board;

(*c*) to govern the appointment, remuneration, functions, duties and removal of agents, officers and employees of the corporation and the security, if any, to be given by them to it;

(*d*) to govern the management of the property;

(*e*) to govern the maintenance of the units and common elements;

(*f*) to govern the use and management of the assets of the corporation;

(*g*) specifying duties of the corporation;

(*h*) to govern the assessment and collection of contributions towards the common expenses;

(*i*) authorizing the borrowing of money to carry out the objects and duties of the corporation; and

(*j*) respecting the conduct generally of the affairs of the corporation.

(2) Subject to subsection 5, a by-law passed under subsection 1 is not effective until it is confirmed, with or without variation, by owners who own not less than 51 per cent of the units at a meeting duly called for that purpose. Confirmation

(3) A by-law relating to the remuneration of a director or directors shall fix the remuneration and the period for which it is to be paid. *New*. Remuneration of directors

(4) The by-laws shall be reasonable and consistent with this Act and the declaration. By-laws must be reasonable

Registration

(5) When a by-law or special by-law is made by the corporation, the corporation shall register a copy of the by-law or special by-law together with a certificate executed by the corporation that the by-law was made in accordance with this Act, the declaration and the by-laws, and until the copy and certificate are registered the by-law is ineffective. R.S.O. 1970, c. 77, s. 10 (2, 3).

RULES GOVERNING USE OF COMMON ELEMENTS

House rules

29.—(1) The board may make rules respecting the use of common elements and units or any of them to promote the safety, security or welfare of the owners and of the property or for the purpose of preventing unreasonable interference with the use and enjoyment of the common elements and of other units. R.S.O. 1970, c. 77, s. 11 (1); 1974, c. 133, s. 8, *amended*.

Idem

(2) The rules shall be reasonable and consistent with this Act, the declaration and the by-laws.

Compliance and enforcement

(3) The rules shall be complied with and enforced in the same manner as the by-laws. R.S.O. 1970, c. 77, s. 11 (2, 3).

When rules effective

(4) Subject to subsection 5, any rule made under subsection 1 shall be effective thirty days after notice thereof has been given to each owner unless the board is in receipt of a requisition in writing made under section 19 requiring a meeting of owners to consider the rules.

Idem

(5) If a meeting of owners is required, the rule made under subsection 1 shall become effective only upon approval at such meeting of owners.

Owners amending or repealing rules

(6) The owners may at any time after a rule becomes effective amend or repeal a rule at a meeting of owners duly called for that purpose. *New*.

Entry by canvassers

30. No corporation or servant or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or school board for the purpose of canvassing or distributing election material. 1974, c. 133, s. 9.

OBLIGATION OF OWNERS AND OCCUPIERS

Obligations and rights of owners, etc.

31.—(1) Each owner is bound by and shall comply with this Act, the declaration, the by-laws and the rules.

(2) Each owner has a right to the compliance by the other owners with this Act, the declaration, the by-laws and the rules. Idem

(3) The corporation, and every person having an encumbrance against any unit and common interest, has a right to the compliance by the owners with this Act, the declaration, the by-laws and the rules. R.S.O. 1970, c. 77, s. 12, *amended*. Right of corporation and encumbrancers

(4) Each person in occupation of a proposed unit is bound by and shall comply with the rules proposed by the proposed declarant where those rules are reasonable and consistent with this Act. Obligations and rights of occupiers

(5) Each person in occupation of a proposed unit has a right to the compliance by every other occupant of a proposed unit with the rules proposed by the proposed declarant. Idem

(6) The proposed declarant has a duty, until registration of the declaration and description, to effect compliance by occupiers of proposed units with the rules proposed by the declarant. *New*. Duty of proposed declarant

32.—(1) The owners shall contribute towards the common expenses in the proportions specified in the declaration. R.S.O. 1970, c. 77, s. 13 (1). Duty of owners to contribute to common expenses

(2) Any common surplus in a corporation shall be applied either against future common expenses or paid into the reserve fund, but shall not, other than on termination, be distributed to the owners or mortgagees. *New*. Application of common surplus

(3) The obligation of an owner to contribute towards the common expenses shall not be avoided by waiver of the right to use the common elements or by abandonment. R.S.O. 1970, c. 77, s. 13 (3). No avoidance

(4) Where an owner defaults in his obligation to contribute to the corporation towards the common expenses as provided under subsection 1 of this section or subsection 7 of section 41, the corporation has a lien for the unpaid amount against his unit and its appurtenant common interest together with all reasonable costs, charges and expenses incurred by the corporation in connection with the collection or attempted collections of the unpaid amount. 1974, c. 133, s. 10, *part*; 1977, c. 67, s. 1 (1), *amended*. Lien

(5) The lien mentioned in subsection 4 expires three months after the default that gave rise to the lien first occurred unless the corporation within that time registers a notice of lien in the prescribed form, and, where the notice is Expiration of lien

registered in accordance with subsection 5 of section 33, no further notice or registration is required in respect of default in payment occurring or continuing after registration. 1977, c. 67, s. 1 (2), *amended*.

Lien enforcement

(6) The lien may be enforced in the same manner as a mortgage. R.S.O. 1970, c. 77, s. 13 (5).

Discharge

(7) Upon payment of the unpaid amount together with all reasonable costs, charges and expenses incurred by the corporation in connection with the collection or attempted collection of the unpaid amount and upon demand, the corporation shall give the owner a discharge in the prescribed form. 1977, c. 67, s. 1 (3).

Certificate of lien

(8) Any person acquiring or proposing to acquire an interest in a unit from an owner may request the corporation to give a certificate in the prescribed form in respect of the common expenses of the owner and of default in payment thereof, if any, by the owner, together with such statements and information as are prescribed by the regulations, and the certificate binds the corporation as against the person requesting the certificate in respect of any default or otherwise shown in the certificate, as of the day it is given.

Idem

(9) The corporation shall give the certificate and the statements and information referred to in subsection 8 within seven days after its receipt of the request therefor and, where the corporation fails to give the certificate, statements and information within the time prescribed, the corporation shall be deemed, as against the person requesting the certificate, to have given a certificate stating no default. 1974, c. 133, s. 10, *part, amended*.

Fee

(10) The corporation may charge a fee for providing the certificate, statements and information referred to in subsection 8, in the amount prescribed by regulation. *New*.

Lien has priority

33.—(1) Where a lien created by subsection 4 of section 32 is in respect of a unit for residential purposes, that lien has priority over every registered and unregistered encumbrance notwithstanding that such encumbrance existed prior to the lien arising.

Where subs. 1 does not apply

(2) Subsection 1 does not apply,

(*a*) to a lien arising before the 1st day of January, 1978;

(*b*) in respect of a claim of the Crown other than by way of a mortgage;

(*c*) in respect of a claim for taxes, charges, rates or assessments levied or recoverable under *The Municipal Act, The Education Act, 1974, The Local Roads Boards Act, The Statute Labour Act* or *The Local Improvement Act*; or R.S.O. 1970, cc. 284, 256, 445, 255 1974, c. 109

(*d*) to such lien or claim that may be designated by regulation. 1977, c. 67, s. 2, *part, amended.*

Provisions deemed in mortgage

(3) Every mortgage of a unit for residential purposes shall be deemed to contain a provision that,

(*a*) the mortgagee has the right to collect the owner's contribution towards common expenses and shall forthwith pay any amount so collected to the corporation on behalf of the unit owner;

(*b*) the owner's default in the payment of common expenses shall constitute default under the mortgage; and

(*c*) the mortgagee shall have the right to pay the owner's contribution towards common expenses that shall from time to time fall due and be unpaid in respect of the mortgaged premises and that such payments together with all reasonable costs, charges and expenses incurred in respect thereto, shall be added to the debt thereby secured and shall be payable forthwith with interest at the rate payable on the mortgage, and, if after demand the owner fails to fully reimburse the mortgagee, the mortgage shall immediately become due and payable at the option of the mortgagee.

Statement to mortgagee

(4) A corporation shall, where so requested by the holder of a mortgage on a unit for residential purposes, provide, free of charge, to the person making the request a written statement setting out, in respect of the unit, the common expenses of the owner and all payments thereof in default.

Notice of lien to be given

(5) Where a lien arises in respect of a unit for residential purposes, the corporation shall, on or before the day a notice of lien is registered, give notice of the lien to every encumbrancer whose encumbrance is registered against the title of the unit, by personal service of the notice or by sending the notice by registered prepaid post addressed to the encumbrancer at his last known address.

Where notice of lien not given

(6) Where notice of lien is not given as provided in subsection 5, then subsection 1 ceases to apply three months after

the default that gave rise to the lien first occurred, provided that where notice is given after registration of notice of lien then the corporation may register another notice of lien, but subsection 1 shall continue to apply to any lien which arose not earlier than three months before the last registration of notice of lien. 1977, c. 67, s. 2, *part, amended.*

AUDITORS AND FINANCIAL STATEMENTS

Auditors

34.—(1) The owners at their first meeting after this Act comes into force shall appoint one or more auditors to hold office until the close of the next annual meeting and, if the owners fail to do so, the board shall forthwith make such appointment or appointments.

Idem

(2) The owners shall at each annual meeting appoint one or more auditors to hold office until the close of the next annual meeting and, if an appointment is not so made, the auditor in office continues in office until a successor is appointed.

Casual vacancy

(3) The directors may fill any casual vacancy in the office of auditor, but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

Removal of auditor

(4) The owners may, by resolution passed by a majority of the votes cast at a meeting duly called for that purpose, remove an auditor before the expiration of his term of office, and shall by a majority of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term.

Notice to auditor

(5) Before calling a meeting for the purpose of removing an auditor, the corporation shall, fifteen days or more before the giving of the notice of the meeting, give to the auditor,

(*a*) written notice of the intention to call the meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed; and

(*b*) a copy of all material proposed to be sent to owners in connection with the meeting.

Right of auditor to make representations

(6) An auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing, concerning,

(*a*) his proposed removal as auditor;

(*b*) the appointment or election of another person to fill the office of auditor; or

(*c*) his resignation as auditor,

and the corporation, at its expense, shall forward with the notice of the meeting, a copy of such representations to each person entitled to receive notice of the meeting.

Remuneration

(7) The remuneration of an auditor appointed by the owners shall be fixed by the owners, or by the board if it is authorized so to do by the owners, and the remuneration of an auditor appointed by the board shall be fixed by the board.

Appointment by court

(8) If for any reason no auditor is appointed, the court may, on the application of an owner, appoint one or more auditors to hold office until the close of the next annual meeting and may fix the remuneration to be paid by the corporation for his or their services.

Notice of appointment

(9) The corporation shall give notice in writing to an auditor of his appointment forthwith after the appointment is made.

Persons disqualified as auditors

(10) No person shall be appointed or act as auditor of a corporation who is a director, officer, employee or manager of the corporation, has an interest in contracts of the corporation, or is a partner, employer or employee of any director, officer, employee or manager of the corporation.

Where section does not apply

(11) This section does not apply to a corporation where the property consists of less than twenty-five units for residential purposes. *New*.

Annual audit

35.—(1) The auditor shall make such examination as will enable him to report to the owners as required by subsection 2.

Auditor's report

(2) The auditor shall make a report to the owners on the financial statement, to be laid before the corporation at any annual meeting during his term of office, and shall state in his report whether in his opinion the financial statement referred to therein presents fairly the financial position of the corporation and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any.

Idem

(3) Where the report under subsection 2 does not contain the unqualified opinion required thereby, the auditor shall state in his report the reasons therefor.

Facts discovered after statement

(4) Where facts come to the attention of the board or officers of the corporation that if known prior to the date of the last annual meeting of owners would have required a material adjustment to the financial statement presented to the meeting, the board or officers shall communicate such facts to the auditor who reported to the owners under this section and the board shall forthwith amend the financial statement and send it to the auditor.

Amendment of auditor's report

(5) On the receipt of facts furnished under subsection 4 or from any other source, the auditor shall, if in his opinion it is necessary, amend his report with respect to the financial statement in accordance with subsection 2 and the board or, if it fails to do so within a reasonable time, the auditor shall mail or deliver such amended report to the owners.

Idem

(6) The financial statement shall contain a statement of changes in net assets or a statement of source and application of funds, and the auditor shall include in his report a statement whether, in his opinion, in effect, the statement of changes in net assets or the statement of source and application of funds presents fairly the information shown therein.

Idem

(7) The auditor in his report shall make such statements as he considers necessary if,

(*a*) the corporation's financial statement is not in agreement with its accounting records;

(*b*) the corporation's financial statement is not in accordance with the requirements of this Act;

(*c*) he has not received all the information and explanations that he has required; or

(*d*) proper accounting records have not been kept, so far as appears from his examination.

Right of access, etc.

(8) The auditor of a corporation has right of access at all times to all records, documents, accounts and vouchers of the corporation and is entitled to require from the directors, officers and employees of the corporation such information and explanations as, in his opinion, are necessary to enable him to report as required by subsection 2.

Auditor may attend owners' meetings

(9) The auditor of a corporation is entitled to attend any meeting of owners and to receive all notices and other communications related to any such meeting that an owner is entitled to receive and to be heard at any such meeting that

he attends on any part of the business of the meeting that concerns him as auditor.

(10) At any meeting of owners, the auditor, if present, shall answer inquiries directed to him concerning the basis upon which he formed the opinion stated in the report made under subsection 2.

Auditor must answer inquiries at owners' meetings

(11) The financial statement shall be approved by the board and the approval shall be evidenced by the signature at the foot of the balance sheet by two of the directors duly authorized to sign, and the auditor's report shall be attached to or accompany the financial statement.

Financial statement approved by board

(12) The corporation shall, ten days or more before the date of the annual meeting of owners, send by prepaid mail or deliver to each owner at his latest address as shown on the records of the corporation and shall file with the bureau a copy of the financial statement and a copy of the auditor's report.

Corporation to send copies of financial statements, etc., to owners

(13) The board shall lay before each annual meeting of owners,

Statements laid before owners at annual meeting

(*a*) a financial statement made in accordance with generally accepted accounting principles;

(*b*) the report of the auditor to the owners; and

(*c*) such further information respecting the financial position of the corporation as the by-laws of the corporation require. *New.*

RESERVE FUND

36.—(1) In this Act and the regulations, the declaration, by-laws and financial statements prepared in accordance with this Act, the declaration or by-laws, "reserve fund" means a fund set up by the corporation in a special account for major repair and replacement of common elements and assets of the corporation including where applicable without limiting the generality of the foregoing, roofs, exteriors of buildings, roads, sidewalks, sewers, heating, electrical and plumbing systems, elevators, laundry, recreational and parking facilities.

Reserve fund defined

(2) The corporation shall establish and maintain one or more reserve funds and shall collect from the owners, as part of their contribution towards common expenses, amounts that, calculated on the basis of expected repair and replacement costs and life expectancy of things comprising the common elements and the assets of the corporation,

Reserve fund established and maintained

are reasonably expected to provide sufficient funds for major repair and replacement of common elements and assets of the corporation, but in no event shall the contributions to the reserve fund or funds be less than 5 per cent of the amount required for contributions to the common expenses exclusive of the reserve fund.

Idem

(3) Three years after this Act comes into force, the contribution to the reserve fund or funds shall be not less than 10 per cent of the amount required for contributions to the common expenses exclusive of the reserve fund.

Idem

(4) Any fund set up for any of the purposes mentioned in subsection 1 shall be deemed to be a reserve fund notwithstanding that it may not be so designated.

Use of reserve fund limited

(5) No part of a reserve fund shall be used except for the purposes for which the fund was established.

Fund not available for distribution

(6) The amount of a reserve fund shall constitute an asset of the corporation and shall not be distributed to any owner except on termination of the corporation.

Bureau may exempt from subss. 2, 3

(7) The bureau may, upon being satisfied that the corporation has sufficient reserve funds, exempt the corporation from the requirements set out in subsections 2 and 3 upon such terms and conditions and for such period of time as the bureau considers proper. *New.*

AUDIT COMMITTEE

Audit committee may be established

37.—(1) Where the number of directors of a corporation is more than six, the directors may elect annually from among their number a committee to be known as the audit committee to be composed of not fewer than three directors, of whom a majority shall not be officers or employees of the corporation, to hold office until the next annual meeting of the owners.

Auditor shall submit financial statement

(2) The auditor shall submit the financial statement to the audit committee for its review and the financial statement shall thereafter be submitted to the board.

Auditor's right to appear

(3) The auditor has the right to appear before and be heard at any meeting of the audit committee and shall appear before the audit committee when required to do so by the committee.

Committee convening at request of auditor

(4) Upon the request of the auditor, the audit committee shall convene a meeting of the committee to consider any matters the auditor believes should be brought to the attention of the board or members. *New.*

MODIFICATIONS OF COMMON ELEMENTS AND ASSETS

38.—(1) The corporation may by a vote of owners who own 80 per cent of the units make any substantial addition, alteration or improvement to or renovation of the common elements or may make any substantial change in the assets of the corporation, and the corporation may by a vote of the owners make any other addition, alteration or improvement to or renovation of the common elements or may make any other change in the assets of the corporation. R.S.O. 1970, c. 77, s. 14 (1), *amended*. Substantial alterations

(2) A grant or transfer of an easement to the corporation is as effective as if the corporation owns land capable of being benefitted by the easement. 1974, c. 133, s. 11. Easement

(3) The cost of any addition, alteration or improvement to or renovation of the common elements and the cost of any change in the assets of the corporation are common expenses. R.S.O. 1970, c. 77, s. 14 (2). Cost

(4) If any substantial addition, alteration or improvement to or renovation of the common elements is made, or if any substantial change in the assets of the corporation is made, the corporation must, on demand of any owner who dissented, made within ten days after the date of the vote referred to in subsection 1, purchase his unit and common interest. R.S.O. 1970, c. 77, s. 14 (3), *amended*. Dissenters

(5) Where the corporation and the owner who dissented do not agree as to the purchase price, the owner who dissented may elect to have the fair market value of his unit and common interest determined by arbitration under *The Arbitrations Act* by serving a notice to that effect on the corporation. R.S.O. 1970, c. 77, s. 14 (4). Arbitration R.S.O. 1970, c. 25

AGREEMENTS

39.—(1) The corporation may, by by-law, terminate, on giving sixty days notice in writing, any agreement between the corporation and any person for the management of the property entered into at a time when the majority of the members of the board were elected when the declarant was the registered owner of a majority of the units. 1974, c. 133, s. 12, *part*, *amended*. Management agreement

(2) Every agreement for the provision of services on a continuing basis, every lease of the common elements or part thereof for business purposes and every agreement for the provision of recreation facilities to the corporation on other than a non-profit basis entered into by a corporation after this Act comes into force and at a time when the majority of the members of the board were elected when the declarant was Agreements expiring

the registered owner of a majority of the units that does not expire within twelve months after its effective date shall be deemed to expire twelve months after its effective date unless, within the twelve month period, the agreement is ratified by the board at a time when the majority of the board members were elected after the declarant ceased to be the registered owner of a majority of the units. *New.*

INVESTIGATION OF RECORDS

Examination of records

40.—(1) Every person in receipt of money paid to or for the benefit of the corporation shall, upon reasonable notice and during normal business hours, make available for examination by the corporation or any owner or mortgagee, all records relating to the receipt and disposition of such money.

Application to court

(2) Upon application to a judge of a county or district court by the corporation or any owner, or mortgagee, the judge, if satisfied that the application is made in good faith and that it is *prima facie* in the best interests of the applicant to do so, may make an order, upon such terms as to the costs of the investigation or audit or otherwise as he considers proper, appointing an inspector to make such investigation of the affairs of any person in receipt of money mentioned in subsection 1 and to make such audit of the accounts and records of such person as the judge considers necessary.

Power of inspector
1971, c. 49

(3) An inspector appointed under subsection 2 has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation or audit as if it were an inquiry under that Act.

Trust money

(4) All money referred to in subsection 1 shall be held by the person in receipt thereof in trust for the performance of the duties and obligations in respect of which the money is paid, and he shall pay such money into a separate account at a chartered bank or trust company or a loan company or credit union authorized by law to receive money on deposit or a Province of Ontario Savings Office and shall designate the account as a trust account in the name of the corporation. 1974, c. 133, s. 12, *part, amended.*

REPAIRS AND MAINTENANCE

Interpretation

41.—(1) For the purposes of this Act, the obligation to repair after damage and to maintain are mutually exclusive, and the obligation to repair after damage does not include the repair of improvements made to units after registration of the declaration and description.

Duty to repair

(2) Subject to section 42, the corporation shall repair the units and common elements after damage.

(3) The corporation shall maintain the common elements. Maintenance of common elements

(4) Each owner shall maintain his unit. R.S.O. 1970, c. 77, s. 16 (1-4). Maintenance of units

(5) Notwithstanding subsections 2, 3 and 4, the declaration may provide that, Declaration may provide otherwise

(*a*) each owner shall, subject to section 42, repair his unit after damage;

(*b*) the owners shall maintain the common elements or any part of the common elements;

(*c*) the corporation shall maintain the units; or

(*d*) each owner shall maintain and repair after damage those parts of the common elements of which he has the exclusive use. R.S.O. 1970, c. 77, s. 16 (5), *amended*.

(6) The corporation shall make any repairs that an owner is obligated to make and that he does not make within a reasonable time. R.S.O. 1970, c. 77, s. 16 (6). Where corporation to make repairs for owners

(7) An owner shall be deemed to have consented to have repairs done to his unit by the corporation under this section and the cost of such repairs shall be added to the owner's contribution toward common expenses. R.S.O. 1970, c. 77, s. 16 (7), *amended*. Consent

(8) All warranties given with respect to workmanship and materials furnished to the property shall enure to the benefit of all unit owners from time to time and to the corporation. *New*. Warranties

WHERE DAMAGE OCCURS

42.—(1) Where damage to the building occurs, the board shall determine within thirty days of the occurrence whether there has been substantial damage to 25 per cent of the buildings. Determination of damage

(2) Where there has been a determination that there has been substantial damage to 25 per cent of the buildings, the corporation shall repair within a reasonable time, unless, within sixty days after the determination made under subsection 1, by a vote of owners who own 80 per cent of the units, the owners vote for termination. R.S.O. 1970, c. 77, s. 17, *amended*. Repair of damage

TERMINATION

43.—(1) Where, under subsection 2 of section 42, the owners vote for termination, the corporation shall, within Notice of termination

ten days of the vote, register a notice of termination in the prescribed form. R.S.O. 1970, c. 77, s. 18 (1), *amended*.

Effect of registration of notice

(2) Upon the registration of a notice of termination under subsection 1,

(*a*) the government of the property by this Act is terminated;

(*b*) the owners are tenants in common of the land and interests appurtenant to the land described in the description in the same proportions as their common interests;

(*c*) claims against the land and interests appurtenant to the land created before the registration of the declaration and description are as effective as if the declaration and description had not been registered;

(*d*) encumbrances against each unit and common interest created after the registration of the declaration and description are claims against the interest of the owner in the land and interests appurtenant to the land described in the description, and have the same priority they had before the registration of the notice of termination; and

(*e*) all claims against the property created after the registration of the declaration and description, other than the encumbrances mentioned in clause *d*, are extinguished. R.S.O. 1970, c. 77, s. 18 (3).

Termination by sale

44.—(1) Sale of the property or any part of the common elements may be authorized,

(*a*) by a vote of owners who own 80 per cent of the units;

(*b*) by the consent of the persons having registered claims against the property or the part of the common elements, as the case may be, created after the registration of the declaration and description; and

(*c*) if the sale of part only of the common elements includes any portion of the common elements that are to be used by the owners of one or more designated units and not by all the owners, by the consent of the owners of the designated units affected.

(2) A deed or transfer shall be executed by the authorized officers of the corporation under its seal and a release or discharge shall be given by all persons having registered claims against the property or the part of the common elements, as the case may be, created after the registration of the declaration and description. R.S.O. 1970, c. 77, s. 19 (1, 2), *amended*. Execution of conveyance

(3) Upon the registration of the instruments mentioned in subsection 2, Effect of registration of conveyance

(*a*) the government of the property or of the part of the common elements by this Act is terminated;

(*b*) claims against the land and interests appurtenant to the land created before the registration of the declaration and description are as effective as if the declaration and description had not been registered; and

(*c*) claims against the property or the part of the common elements created after the registration of the declaration and description are extinguished.

(4) Subject to subsection 5, the owners share the proceeds of the sale in the same proportions as their common interests. Proceeds

(5) Where a sale is made under this section, any owner who dissented may elect to have the fair market value of the property at the time of the sale determined by arbitration under *The Arbitrations Act* by serving notice to that effect on the corporation within ten days after the vote, and the owner who served the notice is entitled to receive from the proceeds of the sale the amount he would have received if the sale price had been the fair market value as determined by the arbitration. Rights of dissenters R.S.O. 1970, c. 25

(6) Where the proceeds of the sale are inadequate to pay the amount determined under subsection 5, each of the owners who voted for the sale is liable for a portion of the deficiency determined by the proportions of their common interests. R.S.O. 1970, c. 77, s. 19 (3-6). Where proceeds inadequate

(7) Subject to subsection 8, where any part of the common elements are expropriated under *The Expropriations Act*, the owners shall share the proceeds in the same proportions as their common interests. Expropriation R.S.O. 1970, c. 154

Idem
R.S.O. 1970, c. 154

(8) Any portion of the proceeds received on expropriation under *The Expropriations Act* that is attributable to any portion of the common elements that are to be used only by the owners of designated units and not by all the owners shall be divided among the owners of the designated units affected in the proportions in which their interests are affected. *New.*

Termination by notice without sale

45.—(1) Termination of the government of the property by this Act may be authorized,

(*a*) by a vote of owners who own 80 per cent of the units; and

(*b*) by the consent of the persons having registered claims against the property created after the registration of the declaration and description. R.S.O. 1970, c. 77, s. 20 (1), *amended.*

Registration of notice

(2) Where termination of the government of the property by this Act is authorized under subsection 1, the corporation shall register a notice of termination in the prescribed form, executed by the authorized officers of the corporation under its seal and by all the persons having registered claims against the property created after the registration of the declaration and description. R.S.O. 1970, c. 77, s. 20 (4), *amended.*

Effect of registration

(3) Upon registration of a notice of termination under subsection 2,

(*a*) the government of the property by this Act is terminated;

(*b*) the owners are tenants in common of the land and interests appurtenant to the land described in the description in the same proportions as their common interests;

(*c*) claims against the land and the interests appurtenant to the land described in the description created before the registration of the declaration and description are as effective as if the declaration and description had not been registered;

(*d*) encumbrances against each unit and common interest created after the registration of the declaration and description are claims against the interest of the owner in the land and interests appurtenant to the land described in the description and have the

same priority as they had before the registration of the notice of termination; and

(*e*) all other claims against the property created after the registration of the declaration and description are extinguished. R.S.O. 1970, c. 77, s. 20 (3).

46.—(1) A corporation, any owner, or any person having an encumbrance against a unit and common interest may apply to the Supreme Court for an order terminating the government of the property by this Act. Termination by S.C.O.

(2) The court may order that the government of the property by this Act be terminated if the court is of the opinion that the termination would be just and equitable, and, in determining whether the termination would be just and equitable, the court shall have regard to, Order

(*a*) the scheme and intent of this Act;

(*b*) the probability of unfairness to one or more owners if termination is not ordered; and

(*c*) the probability of confusion and uncertainty in the affairs of the corporation or the owners if termination is not ordered.

(3) Where an order of termination is made under subsection 2, the court may include in the order any provisions that the court considers appropriate in the circumstances. R.S.O. 1970, c. 77, s. 21. Ancillary matters

47. When the owners and the property cease to be governed by this Act, Termination

(*a*) the assets of the corporation shall be used to pay any claims for the payment of money against the corporation;

(*b*) the remainder of the assets of the corporation shall be distributed among the owners in the same proportions as the proportions of their common interests. R.S.O. 1970, c. 77, s. 9 (19), *amended*.

VOTING BY MORTGAGEES

48. Where a mortgage of a unit and common interest contains a provision that authorizes the mortgagee to exercise Rights of mortgagees

the right of the owner to vote or to consent, the mortgagee may exercise the right, and, where two or more such mortgages contain such a provision, the right may be exercised by the mortgagee who has priority. R.S.O. 1970, c. 77, s. 22, *amended*.

PERFORMANCE OF DUTIES

Application for order to require performance of duties

49.—(1) Where a duty imposed by this Act, the declaration, the by-laws or the rules is not performed, the corporation, any owner, the bureau, or any person having a registered mortgage against a unit and common interest, may apply to the county or district court for an order directing the performance of the duty. R.S.O. 1970, c. 77, s. 23 (1); 1974, c. 133, s. 13 (1), *amended*.

Idem

(2) The court may by order direct performance of the duty and may include in the order any provisions that the court considers appropriate in the circumstances. R.S.O. 1970, c. 77, s. 23 (2).

Tenant to pay common expense default in lieu of rent

(3) Where an owner who has leased his unit defaults in his obligation to contribute to the corporation towards the common expenses as provided under subsection 1 of section 32 and subsection 7 of section 41, the corporation may by written notice to the lessee require the lessee to pay to the corporation, and upon receipt of such notice the lessee shall pay, out of the rent due under the lease, an amount equal to the default and such payment shall constitute payment toward rent under the lease and the lessee shall not by reason only of such payment to the corporation be in default of his obligation under the lease. *New*.

Application to lessees

(4) The lessee of a unit is subject to the duties imposed by this Act, the declaration, the by-laws and the rules on an owner, except those duties respecting common expenses, and this section applies in the same manner as to an owner and, where the lessee is in contravention of an order under this section or where he fails to pay, pursuant to a notice given under subsection 3, the court may terminate the lease. 1974, c. 133, s. 13 (2), *amended*.

Saving

(5) Nothing in this section restricts the remedies otherwise available for failure to perform any duty imposed by this Act. R.S.O. 1970, c. 77, s. 23 (3).

Notification of unit lease

(6) Where the owner of a unit leases his unit, the owner shall notify the corporation that the unit is leased and shall provide to the corporation the lessee's name and the owner's address. *New*.

APPLICATION OF THE PLANNING ACT

50.—(1) Section 29 and clause *b* of subsection 1 of section 32 of *The Planning Act* do not apply in respect of dealings with whole units and common interests. 1972, c. 7, s. 1, *part*, *amended*.

Application of subdivision control

(2) Subject to subsection 3, the provisions of section 33 of *The Planning Act* that apply to plans of subdivision apply, with necessary modifications, to descriptions under this Act, and a description shall not be registered unless approved or exempted by the Minister of Housing. 1972, c. 7, s. 1, *part*; 1973, c. 121, s. 1, *amended*.

Approval of descriptions under R.S.O. 1970, c. 349, s. 33

(3) Before making an application under subsection 1 of section 33 of *The Planning Act*, the owner of a property or someone authorized by him in writing may apply to the Minister of Housing to have the description or any part of the description exempted from such section 33, or from any provisions thereof, and where in the opinion of the Minister such exemption is appropriate in the circumstances, he may grant the exemption.

Exemption

(4) Section 34 of *The Planning Act* does not apply in respect of descriptions made for the purposes of this Act. 1972, c. 7, s. 1, *part*.

R.S.O. 1970, c. 349, s. 34, not to apply

SALE AND LEASE OF UNITS

51.—(1) Every agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes shall be deemed to contain,

Implied covenants in agreement of purchase and sale

(*a*) a covenant by the vendor to take all reasonable steps to register a declaration and description in respect of the property in which the unit is included without delay;

(*b*) a covenant by the vendor to take all reasonable steps to sell the other residential units included in the property without delay other than any units mentioned in a statement under clause *c* of subsection 1 of section 54;

(*c*) a covenant by the vendor to take all reasonable steps to deliver to the purchaser a registrable deed or transfer of the unit without delay; and

(*d*) a provision that the vendor will not collect from the purchaser any money on behalf of the corporation. 1974, c. 133, s. 14, *part*.

Failure to register declaration within a specified period

(2) Notwithstanding any provision to the contrary contained therein, an agreement of purchase and sale of a proposed unit for residential purposes shall not be terminated by the proposed declarant only by reason of the failure to register the declaration and description within a period of time specified in the agreement, unless the purchaser consents to the termination in writing.

Application to court

(3) Notwithstanding subsection 2, the proposed declarant may apply to a judge of a county or district court and the judge may by order terminate the agreement if he is satisfied that,

(*a*) the proposed declarant has taken all reasonable steps to register a declaration and description;

(*b*) a declaration and description cannot be registered within a reasonable period of time; and

(*c*) the failure and inability to register a declaration and description is caused by circumstances beyond the control of the proposed declarant.

Subsequent registration under Act

(4) The judge may, in an order under subsection 3, provide that a declaration and description shall not be registered in respect of the property in which the proposed unit is included during such period as he specifies in the order.

Registration of order

(5) An order under subsection 3 is ineffective until a certified copy thereof is registered.

Payment of purchase price

(6) Where an agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes permits or requires the purchaser to take possession of or occupy the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the money paid in respect of such right or obligation to the proposed declarant shall be not greater, on a monthly basis, than the total of the following amounts:

1. The amount of interest that the purchaser would have paid, monthly, in respect of any mortgage or mortgages he is obligated to assume or give under the agreement of purchase and sale on delivery of a deed or transfer of the unit.

2. An amount reasonably estimated on a monthly basis for municipal taxes attributable to the proposed unit.

3. The projected monthly common expense contribution for that unit. 1974, c. 133, s. 14, *part, amended.*

(7) Where a purchaser takes possession of a proposed unit for residential purposes under an agreement that permits the purchaser to take possession of or occupy the unit before a deed or transfer of the unit acceptable for registration is delivered to him, notwithstanding the provisions of *The Landlord and Tenant Act*, the proposed declarant, Rights and duties of proposed declarant R.S.O. 1970, c. 236

(*a*) shall provide those services and only those services that the proposed corporation will have a duty to provide to owners;

(*b*) shall repair and maintain the property and the proposed unit in the same manner as the proposed corporation will have a duty to repair and maintain;

(*c*) has the same right of entry that the proposed corporation will have; and

(*d*) may withhold consent to an assignment of the occupancy agreement. *New.*

52.—(1) An agreement of purchase and sale entered into after this Act comes into force by a declarant or proposed declarant of a unit or proposed unit for residential purposes is not binding on the purchaser until the declarant or proposed declarant has delivered to the purchaser a copy of the current disclosure statement and all material amendments thereto. 1974, c. 133, s. 14, *part, amended.* Disclosure before sale

(2) The purchaser, before receiving delivery of a deed to or transfer of the unit, may rescind the agreement of purchase and sale within ten days after receiving the disclosure statement or, where there has been a material amendment thereto, within ten days after receiving the material amendment. Rescission of agreement

(3) A person may rescind an agreement of purchase and sale under subsection 2 by giving written notice of the rescission to the declarant or proposed declarant or to the solicitor of the declarant or proposed declarant. Notice of rescission

(4) Every declarant or proposed declarant who receives notice of rescission under subsection 3 from a person entitled to rescind the agreement of purchase and sale under subsection 2, shall forthwith refund, without penalty or charge, to the person giving notice, all money that he received from that person under the agreement that was credited as payment against purchase price. On rescission, money to be refunded

(5) Where any statement or material required under this Act to be provided by a declarant or proposed declarant to a Where statement false or misleading

purchaser of a unit or proposed unit for residential purposes contains any material statement or information that is false, deceptive or misleading or fails to contain any material statement or information, the corporation or any unit owner who relied on such statement or material is entitled, as against the declarant or the proposed declarant to damages for any loss sustained as a result of such reliance.

Disclosure statement

(6) The disclosure statement referred to in subsection 1 shall contain and fully and accurately disclose,

(*a*) the name and municipal address of the declarant or proposed declarant and of the property or proposed property;

(*b*) a general description of the property or proposed property including the types and number of buildings, units and recreational and other amenities together with any conditions that apply to the provision of amenities;

(*c*) the portion of units or proposed units which the declarant or proposed declarant intends to market in blocks of units to investors;

(*d*) a brief narrative description of the significant features of the existing or proposed declaration, by-laws and rules governing the use of common elements and units, and of any contracts or leases that may be subject to termination or expiration under section 39;

(*e*) a budget statement for the one year period immediately following the registration of the declaration and the description;

(*f*) where construction of amenities is not completed, a schedule of the proposed commencement and completion dates; and

(*g*) any other matters required by the regulations to be disclosed.

Budget statements

(7) The budget statement mentioned in clause *e* of subsection 6 shall set out,

(*a*) the common expenses;

(*b*) the proposed amount of each expense;

(*c*) particulars of the type, frequency and level of the services to be provided;

(*d*) the projected monthly common expense contribution for each type of unit;

(*e*) a statement of the portion of the common expense to be paid into a reserve fund;

(*f*) a statement of the assumed inflation factor;

(*g*) a statement of any judgments against the corporation, the status of any pending lawsuits to which the corporation is a party and the status of any pending lawsuits material to the property of which the declarant or proposed declarant has actual knowledge;

(*h*) any current or expected fees or charges to be paid by unit owners or any of them for the use of the common elements or part thereof and other facilities related to the property;

(*i*) any services not included in the budget that the declarant or proposed declarant provides, or expenses that he pays and that might reasonably be expected to become, at any subsequent time, a common expense and the projected common expense contribution attributable to each of those services or expenses for each type of unit;

(*j*) the amounts in all reserve funds; and

(*k*) any other matters required by the regulations to be disclosed. *New*.

Inaccurate statement of common expenses

(8) Where the total amount incurred for the common expenses provided for in the budget statement exceeds the total of the proposed amounts set out in the statement, for the period covered by the budget statement mentioned in clause *e* of subsection 6 the declarant shall forthwith pay to the corporation the amount of the excess except in respect of increased expenses attributable to the termination of an agreement under section 39. 1974, c. 133, s. 14, *part, amended*.

Where revenue shown on budget statement

(9) Where the declarant shows any expected fees, charges, rents or other revenue to be paid to the corporation for the use of the common elements or assets or any part thereof or any other facilities related to the property and,

(*a*) where the total amount received is less than the expected fees, charges, rents or other revenue, the declarant shall forthwith pay to the corporation the

amount of the deficiency less the amount, if any, that the total of the proposed amounts for common expenses set out in the budget statement mentioned in clause *e* of subsection 6 exceeds the total amount incurred for common expenses for the period covered by the budget statement; or

(*b*) where the total amount received is more than the expected fees, charges, rents or other revenue, the declarant may set off the amount of the excess against any amount he may be required to pay under subsection 8. *New.*

Trust money

53.—(1) All money received by or on behalf of a proposed declarant from a purchaser on account of a sale or an agreement for the purchase and sale of a proposed unit for residential purposes before the registration of the declaration and description, other than money paid as rent or as an occupancy charge, shall, notwithstanding the registration of the declaration and description thereafter, be held in trust by the person receiving such money for the person entitled thereto in respect of the agreement and such money shall be held in a separate account designated as a trust account at a chartered bank or trust company or a loan company or credit union authorized by law to receive money on deposit or a Province of Ontario Savings Office until,

(*a*) its disposition to the person entitled thereto; or

(*b*) delivery of prescribed security to the purchaser for repayment. 1974, c. 133, s. 15, *part, amended.*

Interest

(2) Where an agreement of purchase and sale referred to in subsection 1 is terminated and the purchaser is entitled to the return of any money paid under the agreement, the proposed declarant shall pay to the purchaser interest on such money at the prescribed rate.

Idem

(3) Subject to subsection 2, where a purchaser of a proposed unit under an agreement of purchase and sale referred to in subsection 1 enters into possession or occupation of the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the proposed declarant shall pay interest at the prescribed rate on all money received by him on account of the purchase price from the day the purchaser enters into possession or occupation until the day a deed or transfer acceptable for registration is delivered to him.

Idem

(4) Subject to subsections 2 and 3, the proposed declarant is entitled to any interest earned on the money required to

be held in trust under subsection 1. 1974, c. 133, s. 15, *part*.

54.—(1) A declarant or proposed declarant shall not grant a lease of a unit or proposed unit for residential purposes unless, Leases of units

(*a*) the lessee has entered into a *bona fide* agreement to purchase the unit;

(*b*) the lease grants to the lessee a *bona fide* option to purchase the unit;

(*c*) every agreement of purchase and sale of a unit included in the property includes a statement that the unit to be included in the lease is or will be leased and specifies the uses that are or will be permitted by the lease; or

(*d*) written notice of the lessor's intention to lease the unit has been given to every purchaser under an agreement of purchase and sale, registered owner and mortgagee entitled to vote, and the period referred to in subsection 2 has expired or, where an application is made under subsection 2, it is finally disposed of. 1974, c. 133, s. 16, *part*, *amended*.

(2) Any person notified under clause *d* of subsection 1 may, within twenty-one days after receiving the notice, and on written notice to the declarant, apply to a judge of a county or district court, and the judge, if he is of the opinion that the declarant has not taken all reasonable steps to sell the unit, may by order prohibit the declarant from leasing the unit or grant other relief as he considers proper. Application to court

(3) The notice mentioned in clause *d* of subsection 1 shall specify the unit or units intended to be leased and the uses that will be permitted by the lease but need not set out any other terms or identify any proposed lessee. Contents of notice

(4) A declarant or proposed declarant may grant leases of a unit or proposed unit for residential purposes for a period in each case not exceeding two years, including renewals, provided that subsection 1 is complied with in respect of each lease. Terms of lease

(5) This section does not apply to the renewal of a lease of a unit or proposed unit where the lease was entered into before any agreement of purchase and sale of any unit or proposed unit included in the property is entered into. Exemption

Lease defined

(6) In this section, "lease" includes a licence to use or occupy and any agreement in the nature of a lease. 1974, c. 133, s. 16, *part*, *amended*.

Offences

55. Every person who knowingly contravenes subsection 3 of section 26, section 30, subsection 1 or 4 of section 40, subsection 5, 6 or 7 of section 52, subsection 1 of section 53, subsection 9 of section 56 or subsection 1 of section 59, or knowingly purports to enter into a lease in contravention of subsection 1 or 4 of section 54 is guilty of an offence and on summary conviction is liable to a fine of,

(*a*) not more than $25,000, where the person is a corporation; or

(*b*) not more than $2,000, where the person is other than a corporation. 1974, c. 133, s. 16, *amended*.

BUREAU

Designating bureau

R.S.O. 1970, c. 89

56.—(1) The Lieutenant Governor in Council shall designate a non-profit corporation incorporated without share capital under *The Corporations Act* to be the bureau for the purposes of this Act.

Idem

(2) No corporation shall be designated under subsection 1 whose by-laws do not provide for representation of owners of condominium units on the board of directors.

Objects

(3) Upon its designation, the objects of the corporation are extended to include,

(*a*) advising and assisting the public in condominium matters;

(*b*) assisting in the resolution of disputes between condominium corporations and unit owners and between two or more unit owners and for this purpose appointing review officers and paying their remuneration;

(*c*) disseminating information for the purpose of educating and advising condominium corporations and unit owners concerning condominium matters and the financial, operating and management practices of condominium corporations; and

(*d*) assisting in the formulation and conduct of educational courses for property management.

(4) The moneys required for the purpose of defraying the organization and operating expenses of the bureau shall, until the 31st day of March, 1979, be paid out of the Consolidated Revenue Fund. Moneys

(5) The bureau shall appoint review officers who shall perform the duties and exercise the powers given to them by this Act and the regulations under the supervision of the bureau and shall perform such other duties as are assigned to them by the bureau. Review officers appointed

(6) All moneys payable under this Act to the bureau shall be retained by the bureau and applied to defray the expenses incurred and expenditures made in the carrying out of its duties under this Act and otherwise for the purposes of its objects set out in subsection 3. Revenues and expenses

(7) The bureau shall make a report annually to the Minister of Consumer and Commercial Relations upon the affairs of the bureau, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual reports

(8) Each corporation shall pay to the bureau an annual fee in the amount prescribed by regulation for each unit comprising the property and shall file such information and material as is prescribed by the regulations. Fee to bureau

(9) Every declarant shall file with the bureau the material set out in clauses *f*, *g*, *h* and *i* of subsection 3 of section 26 prior to the meeting required under subsection 1 of section 26. Filing plans

(10) The bureau is not a Crown agency within the meaning of *The Crown Agency Act*. Bureau not Crown agency R.S.O. 1970, c. 100

(11) The bureau may exempt corporations from the provisions of subsections 2 and 3 of section 36 as set out in subsection 7 of section 36. *New*. Exemption by bureau

57.—(1) Where there is a dispute between a corporation and an owner or between two or more owners in respect of any matter relating to this Act, the declaration, by-laws or rules, any party to the dispute may, prior to the commencement of any court proceeding in respect of the same matter, refer the matter in dispute to the bureau for resolution and shall notify all other parties affected. Dispute

Review by officer

(2) Within fourteen clear days after the matter has been referred to the bureau, the bureau shall give written notice to all parties of the date, time and place for the consideration of the matter in dispute and shall designate a person as review officer to review the matter in dispute.

Subject-matter of review

(3) For purposes of a review under subsection 2, the review officer may inquire into any matter relevant to the subject-matter of the dispute, whether or not previously brought to his attention by the parties.

Order

(4) Upon completing the review and subject to subsection 5, the review officer may make an order ordering any party to the review to do or refrain from doing any act that is the subject-matter of the review.

Notice

(5) Where the review officer proposes to make an order under subsection 4, he shall serve notice of his proposal together with written reasons therefor on all parties to the review.

Idem

(6) A notice under subsection 5 shall state that every party to the review is entitled to appeal the proposed order to the Commercial Registration Appeal Tribunal and shall specify the place where the appeal may be filed.

Order may be made after notice

(7) Where there is no appeal to the Commercial Registration Appeal Tribunal, the review officer may make his order upon the expiration of twenty-one days after the last service of notice under subsection 5 on a party to the review.

Order filed

(8) On the request of any party to the review proceedings, the review officer shall file a copy of any order made by him under subsection 4 in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971,* that applies thereto.

1971, c. 47 does not apply

(9) Except as provided in subsection 8, *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before the review officer designated by the bureau.

Appeal

(10) Every party to a review proceedings may appeal a review officer's proposal by filing a notice of appeal with the Commercial Registration Appeal Tribunal within twenty-one days after being served with notice of the review officer's proposal.

Idem

(11) On an appeal, the Commercial Registration Appeal Tribunal may proceed by way of a hearing *de novo* and after the hearing, the Tribunal may make any order it con-

siders just and equitable and for such purposes the Tribunal shall substitute its opinion for that of the review officer. *New.*

REGULATIONS

58.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(*a*) classifying properties for the purposes of the regulations;

(*b*) prescribing the duties of officers appointed under *The Land Titles Act* or *The Registry Act* for the purpose of this Act; R.S.O. 1970, cc. 234, 409

(*c*) governing the method of describing in instruments of a property or any part of a property;

(*d*) governing surveys, structural plans, descriptions and diagrams, and prescribing procedures for their registration and amendment;

(*e*) requiring, in respect of any class of properties, in lieu of or in addition to the requirements of section 4, surveys of the properties showing the units and common elements;

(*f*) respecting the registration and recording of declarations, descriptions, by-laws, notices of termination and other instruments;

(*g*) respecting the names of corporations;

(*h*) respecting additions to the common elements;

(*i*) requiring the payment of fees to officers appointed under *The Land Titles Act* or *The Registry Act*, and prescribing the amounts thereof;

(*j*) prescribing forms and providing for their use;

(*k*) governing funds intended for the payment of common expenses;

(*l*) requiring and governing the books, accounts and records that shall be kept by condominium corporations and requiring and governing the accounting to members of condominium corporations in such manner and at such times as are prescribed;

(*m*) prescribing security for the purposes of clause *b* of subsection 1 of section 53;

(*n*) prescribing rates of interest that shall be paid on moneys required to be held in trust under this Act;

(*o*) designating liens or claims for the purposes of clause *d* of subsection 2 of section 33;

(*p*) prescribing statements and information required for purposes of subsection 8 of section 32;

(*q*) regulating and governing the duties and powers of review officers appointed under subsection 5 of section 56;

(*r*) prescribing the amounts of fees that are payable or chargeable under this Act;

(*s*) prescribing information to be filed by corporations with the bureau;

(*t*) prescribing any matter that by this Act is required or permitted to be or referred to as prescribed by the regulations. R.S.O. 1970, c. 77, s. 25 (1); 1974, c. 133, s. 17, *amended*.

Application of regulations

(2) Any provision of any regulation may be made to apply to all properties or to any class of properties. R.S.O. 1970, c. 77, s. 25 (2).

Offer to sell land together with lease of dwelling prohibited

59.—(1) No person shall offer to sell any interest in land together with a grant of exclusive occupancy or use for residential purposes of part of a building located on the land where that person will retain an interest in the land as tenant-in-common with the offeree unless he does so as a declarant or proposed declarant under this Act.

Exemption from subs. 1

(2) The Lieutenant Governor in Council may make regulations exempting any person or group of persons from the provisions of subsection 1. *New*.

Act supersedes agreements

60. This Act applies notwithstanding any agreement to the contrary. *New*.

Repeals

61. The following are repealed:

1. *The Condominium Act*, being chapter 77 of the Revised Statutes of Ontario, 1970.

2. *The Condominium Amendment Act, 1972,* being chapter 7.

3. *The Condominium Amendment Act, 1973,* being chapter 121.

4. *The Condominium Amendment Act, 1974,* being chapter 133.

5. *The Condominium Amendment Act, 1977,* being chapter 67.

62. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

63. The short title of this Act is *The Condominium Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revise
The Condominium Act

1st Reading

June 1st, 1978

2nd Reading

June 15th, 1978

3rd Reading

December 8th, 1978

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

1978

BILL 104 1 and. in Leg. Leg. S. Lib

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting Motor Vehicle Access to Property by Road

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 104 **1978**

An Act respecting Motor Vehicle Access to Property by Road

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "access road" means a road located on land not owned by a municipality and not dedicated and accepted as, or otherwise deemed at law to be, a public highway, that serves as a motor vehicle access route to one or more parcels of land;

(*b*) "common road" means an access road on which public money has been expended for its repair or maintenance;

(*c*) "judge" means a judge of a county or district court;

(*d*) "motor vehicle" means a motor vehicle as defined in *The Highway Traffic Act*; R.S.O. 1970, c. 202

(*e*) "road" means land used or intended for use for the passage of motor vehicles.

2.—(1) No person shall construct or place a barrier or other obstacle over an access road, not being a common road, that, as a result, prevents all road access to one or more parcels of land or to boat docking facilities therefor, not owned by that person unless, When access road may be closed

(*a*) the person has made application by way of originating notice of motion to a judge for an order closing the road and has given ninety days notice of such application to the parties and in the manner directed by this Act and the judge has granted the application to close the road;

(*b*) the closure is made in accordance with an agreement in writing with the owners of the land affected thereby;

(*c*) the closure is of a temporary nature for the purposes of repair or maintenance of the road; or

(*d*) the closure is made for a single period of no greater than twenty-four hours in a year for the purpose of preventing the acquisition of prescriptive rights.

When common road may be closed

(2) No person shall construct or place a barrier or other obstacle over a common road that as a result prevents the use of the road unless,

(*a*) the person has made application by way of originating notice of motion to a judge for an order closing the road and has given ninety days notice of the application to the parties and in the manner directed by this Act and the judge has granted the application to close the road; or

(*b*) the closure is of a temporary nature for the purposes of repair or maintenance of the road.

Notice

(3) Notice of an application to close an access road that is not a common road shall be served personally upon or sent by registered mail to the owner of each parcel of land served by the road who would, if the road were closed, be deprived of motor vehicle access to and from his land and, where the owner is not occupying the land, notice shall also be given to a tenant or occupant of the land by either,

(*a*) handing the notice to an adult person who is a tenant or occupant of the land; or

(*b*) posting the notice on the land in a place and manner that makes the notice conspicuous to an occupant of the land.

Idem

(4) Notice of an application to close a common road shall be published at least once a week for four successive weeks in a newspaper that is circulated in the area in which the proposed road closure is located, the last publication to be not less than ninety days before the date fixed for the hearing of the application, and any person who uses the road is entitled to be a party to the proceedings on the application.

Idem

(5) Notice of an application made under subsection 1 or 2 shall be given by registered mail to the clerk of the local

municipality and the clerk of the county or regional, district or metropolitan municipality in which the road is situated or, in the case of a road located in territory without municipal organization, notice shall be similarly given to the Minister of Northern Affairs.

Affidavit to accompany application

(6) An application under subsection 1 or 2 shall be accompanied by an affidavit of the applicant in which shall be included a description of the road sought to be closed, the proposed location of the barrier or other obstacle, the reasons in support of the closure, and, in the case of an application under subsection 1, the names and addresses of the persons who would, if the road were closed, be deprived of access to their lands.

When judge may grant order

3. The judge may grant the closing order upon being satisfied that the closure of the road is reasonably necessary to prevent substantial damage or injury to the interests of the applicant or is reasonably necessary for some purpose in the public interest and the judge may impose such terms and conditions as the judge considers are reasonable and just under the circumstances, including a requirement that a suitable alternate road be provided.

Interim closing order

4.—(1) Where notice as required under section 2 is not given, a judge may grant upon *ex parte* application an interim closing order if he is satisfied that the delay required to give notice would likely result in serious damage or injury to the interests of the applicant.

Terms and conditions

(2) A judge may make an interim closing order on such terms and conditions and for such duration as the judge considers proper in the circumstances.

Setting aside order

(3) A person entitled to notice at the time an interim closing is made may apply to a judge to have the order set aside and the judge may so order where he considers it proper in the circumstances.

Appeal

5. An appeal, in accordance with the rules of court, lies from an order of the judge under section 2 or 4 to the Divisional Court.

Saving

6.—(1) Nothing in this Act shall be construed to confer any right in respect of the ownership of land where the right does not otherwise exist at law and nothing in this Act shall affect any alternative remedy at law available to any applicant or other person.

Order of closure or dismissal of application not determination of status of road

(2) The granting of a closing order or the dismissal of an application for a closing order under this Act shall not be construed as a determination that the road is or is not a public highway.

Offence

7.—(1) Every person who knowingly contravenes subsection 1 or 2 of section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000.

Order to remove barricade

(2) Where a person is convicted of an offence under this Act, the court may order the person to remove the barrier or other obstacle.

Temporary closing of forest roads
R.S.O. 1970, c. 380

8. Nothing in this Act prevents the temporary closing of a public forest road or a private forest road within the meaning of *The Public Lands Act* where an emergency exists in the opinion of the district manager.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. The short title of this Act is *The Road Access Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 24 1978

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
Motor Vehicle Access
to Property by Road

1st Reading

June 1st, 1978

2nd Reading

November 21st, 1978

3rd Reading

November 21st, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

1978

BILL 108 (as amended by Leg. Cte. S.-Ther)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to acquire the Assets of The Muskoka & Parry Sound Telephone Co., Limited

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 108 **1978**

An Act to acquire the Assets of The Muskoka & Parry Sound Telephone Co., Limited

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Corporation" means The Ontario Telephone Development Corporation;

(*b*) "telephone system" means the assets and facilities of The Muskoka & Parry Sound Telephone Co., Limited comprising the Muskoka & Parry Sound telephone system, including any land, plant equipment, buildings, rights, franchises, list of subscribers and rates paid, easements and property of every kind, owned, held or used for the purpose of, or in connection with the construction, maintenance or operation of the said telephone system. Telephone system of The Muskoka & Parry Sound Telephone Co., Limited

2.—(1) The said telephone system is hereby vested in the Corporation and the Corporation is hereby entitled to possession, management and control of the telephone system. vest in Ontario Telephone Development Corporation

(2) Where resistance or opposition is made to the taking of possession, management or control of the telephone system, the Sheriff of the District of Parry Sound, upon the request of the Corporation, shall put down the resistance or opposition and shall put the Corporation into possession of the telephone system. Sheriff to give possession

3.—(1) If agreement for compensation for the telephone system is not reached within thirty days from the date this Act comes into force, either party may serve notice of arbitration upon the other and upon the Land Compensation Board as constituted under *The Expropriations Act* Notice of arbitration R.S.O. 1970, c. 154

stating that it requires that the compensation payable be determined by arbitration.

Idem

(2) The notice of arbitration referred to in subsection 1 shall be deemed to be a notice under clause *b* of section 26 of *The Expropriations Act*, and, upon service of the notice, the practice and procedure under *The Expropriations Act* shall apply to the arbitration under this Act.

Application of R.S.O. 1970, c. 154

4.—(1) Sections 29, 30, 31, 32, 33 and 34 of *The Expropriations Act* apply to the taking of the telephone system in the same manner as if it were land.

Idem

(2) Compensation for the telephone system is to be determined in accordance with sections 13, 14, 16, 17, subsection 2 of section 19 and section 20 of *The Expropriations Act* in the same manner as if it were land.

Interpretation

(3) For the purposes of an arbitration under this Act, a reference to "expropriating authority" and to "statutory authority" in *The Expropriations Act* is a reference to the Corporation.

Compensation stands in place of assets

5. The compensation payable under this Act stands in place of the assets of The Muskoka & Parry Sound Telephone Co., Limited vested in the Corporation under section 1 and any claim to or encumbrance on the assets is deemed to be a claim to or an encumbrance on the compensation payable and not a claim or encumbrance on the assets.

Payment to Minister

6. Upon compensation for the said telephone system being settled by agreement or under section 3, the Corporation shall pay $50,000 to the Minister of Transportation and Communications to compensate the Minister for carrying out emergency repairs on the Muskoka & Parry Sound telephone system carried out before this Act came into force and the amount so paid shall be deducted from the compensation payable to The Muskoka & Parry Sound Telephone Co., Limited and shall have priority over any claim or encumbrance referred to in section 5.

Payment into court

7.—(1) Subject to section 6, the compensation agreed upon or determined shall, without an order, be paid into the office of the Accountant of the Supreme Court together with a sum equal to six months interest thereon calculated at the annual rate of 6 per cent.

Application to court

(2) Upon an application for payment out of court of compensation paid into court under subsection 1, a judge of the Supreme Court may direct that such notice of the appli-

cation be given by publication or otherwise to such persons as he considers proper and may direct the trial of an issue or make such order with respect to the payment out of court and with respect to costs as he considers reasonable.

(3) Where an order is obtained under subsection 2 in less than six months after the payment of the compensation into court, the judge making the order may direct that a proportionate part of the interest be returned to the statutory authority. Distribution of interest

8. The provisions of *The Telephone Act* and *The Bulk Sales Act* do not apply to the transfer of assets provided for in this Act. R.S.O. 1970, cc. 457, 52 do not apply

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. The short title of this Act is *The Muskoka & Parry Sound Telephone Co., Limited Acquisition Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 20, 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

Muskoka & Parry Sound Telephone
Co., Limited

1st Reading

June 2nd, 1978

2nd Reading

June 13th, 1978

3rd Reading

June 13th, 1978

THE HON. J. W. SNOW
Minister of Transportation and
Communications

1978

BILL 110 (as amended by Leg. Leg. Sitting)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Education Act, 1974

THE HON. T. L. WELLS
Minister of Education

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 110 1978

An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 10 of subsection 1 of section 1 of *The Education Act, 1974*, being chapter 109, is repealed and the following substituted therefor: s. 1 (1), par. 10, re-enacted

10. "county municipality" means a municipality, other than a city, that forms part of a county or regional municipality that is not in the territorial districts.

2.—(1) Subclauses ii and iii of clause *a* of subsection 7 of section 57 of the said Act are repealed and the following substituted therefor: s. 57 (7) (*a*) (ii), re-enacted; s. 57 (7) (*a*) (iii), repealed

(ii) the boundaries of the school division have been altered subsequent to the latest determination or are to be altered effective on or before the 1st day of January next following the election.

(2) Subclause ii of clause *b* of subsection 7 of the said section 57 is amended by striking out "the 1st day of January of the year" in the third and fourth lines and inserting in lieu thereof "or before the 1st day of January". s. 57 (7) (*b*) (ii), amended

(3) Subsection 9 of the said section 57 is amended by inserting after "effective" in the thirty-second line "on or before". s. 57 (9), amended

(4) The said section 57, as amended by the Statutes of Ontario, 1976, chapter 50, section 9, is further amended by adding thereto the following subsection: s. 57, amended

(9*a*) Where a determination is made under subsection 9 in respect of a school division that is entirely in a regional municipality, the clerk of the county municipality having Notice of determination of regional municipality

the greatest equalized residential and farm assessment public school purposes in the school division shall send for with to the clerk of the regional municipality a copy of determination.

s. 57 (12) (*b*), amended

(5) Clause *b* of subsection 12 of the said section 57 is amend by inserting after "effective" in the fourth line "on before".

s. 57 (12) (*c*), amended

(6) Clause *c* of subsection 12 of the said section 57 is amend by inserting after "effective" in the second line "on before".

s. 57, amended

(7) The said section 57 is further amended by adding there the following subsection:

Notice of determination to clerk

(13*a*) Where a determination is made under subsection in respect of a school division entirely in a regional muni pality, the clerk who referred the matter to the judge sha upon receipt of the determination of the judge, send a co thereof to the clerk of the regional municipality.

s. 57 (22), amended

(8) Subsection 22 of the said section 57 is amended by striki out "October" in the third line and inserting in lieu there "September".

s. 57 (31), re-enacted

(9) Subsection 31 of the said section 57 is repealed and t following substituted therefor:

Effect of boundary change on elections

(31) Where the boundaries of a school division or of o or more municipalities in a school division are to be alter effective on or before the 1st day of January next followi an election of members of the board of the school divisio such boundaries shall be deemed to have been so alter for all purposes relating to such election except for t purpose of determining the persons responsible for perfor ing duties in connection with the election.

s. 62, amended

3. Section 62 of the said Act, as amended by the Statutes Ontario, 1976, chapter 50, section 11, is further amended adding thereto the following subsection:

Term of office

(6) The term of office of members of the board of a distr school area that is not an improvement district who elected in the year 1978 and in regular elections thereaf shall commence on the 1st day of December in the elect year.

4. Subsection 1 of section 63 of the said Act is amended by striking out "first Monday in December" in the third line and inserting in lieu thereof "second Monday in November or, where that day is Remembrance Day, on the next succeeding day". s. 63 (1), amended

5. Subsection 3 of section 64 of the said Act is amended by inserting after "officer" in the twelfth line "in respect of the improvement district or territory without municipal organization". s. 64 (3), amended

6. Subsection 2 of section 89 of the said Act is amended by striking out "31st day of December" in the first and second lines and inserting in lieu thereof "30th day of November". s. 89 (2), amended

7. Section 97 of the said Act is amended by adding thereto the following subsection: s. 97, amended

(1*a*) The term of office of trustees of a rural separate school board elected in the year 1978 and in regular elections thereafter shall commence on the 1st day of December in the election year. Term of office

8.—(1) Subsection 1 of section 100 of the said Act is amended by striking out "A meeting of the supporters of a rural separate school for the purpose of electing trustees and for any other school purpose shall be held annually" in the first, second and third lines and inserting in lieu thereof "An annual meeting of the supporters of a rural separate school shall be held". s. 100 (1), amended

(2) The said section 100 is amended by adding thereto the following subsection: s. 100, amended

(1*a*) A rural separate school board shall be elected at a meeting of the separate school supporters held on the second Monday in November or, where that day is Remembrance Day, on the next succeeding day, in the year of a municipal election at a time and place selected by the board. Election of board

(3) Subsection 3 of the said section 100 is amended by striking out "the" where it occurs the third time in the first line and inserting in lieu thereof "a". s. 100 (3), amended

(4) Subsection 4 of the said section 100 is amended by inserting after "the" where it occurs the second time in the first line "annual". s. 100 (4), amended

(5) Subsection 12 of the said section 100 is amended by striking out "an annual or special meeting" in the second s. 100 (12), amended

line and inserting in lieu thereof "a meeting of th supporters of a rural separate school".

s. 100 (14), amended

(6) Subsection 14 of the said section 100 is amended b striking out "the meeting" in the first line and insertin in lieu thereof "a meeting for the election of one or mor trustees".

s. 100*a*, enacted

9. The said Act is amended by adding thereto the followin section:

Where municipality may conduct election

100*a*. Notwithstanding section 100, where the centre of rural separate school zone is in a municipality, the board o the rural separate school may, by resolution passed befor the 1st day of July in the year of an election and approve at a meeting of the supporters of the rural separate schoo determine that the election of trustees of the board shall b conducted by the municipality under *The Municipal Election Act, 1977*, and the trustees shall be elected by general vot of the separate school electors of the separate school zon

1977, c. 62

s. 100*b*, enacted

10. The said Act is further amended by adding thereto the followin section:

Returning officer

100*b*. Where territory without municipal organization i

(*a*) within a rural or an urban separate school zon whose centre is in a municipality; or

(*b*) within a combined separate school zone, a centr of which is in a municipality,

and the election of trustees of the board for such zone conducted under *The Municipal Elections Act, 1977*, th secretary of the board shall be the returning officer and sha perform all the duties of a municipal clerk in the electio for the territory without municipal organization and he sha report forthwith the vote recorded in the territory to th returning officer for the municipality in which the centr of the zone is situated and the returning officer shall prepa the final summary and announce the result of the vote.

s. 101 (1), amended

11.—(1) Subsection 1 of section 101 of the said Act is amende by striking out "January" in the fourth line and insertin in lieu thereof "December".

s. 101 (3), amended

(2) Subsection 3 of the said section 101 is amended by strikin out "December" in the fourth line and inserting in li thereof "September".

12.—(1) Clause *a* of subsection 6 of section 110 of the said Act is amended by inserting after "effective" in the sixth line "on or before". s. 110 (6) (*a*), amended

(2) Subclause ii of clause *b* of subsection 6 of the said section 110 is amended by striking out "the 1st day of January of the year" in the fourth and fifth lines and inserting in lieu thereof "on or before the 1st day of January". s. 110 (6) (*b*) (ii), amended

(3) Subsection 20 of the said section 110 is amended by striking out "October" in the third line and inserting in lieu thereof "September". s. 110 (20), amended

13. Section 111 of the said Act is repealed and the following substituted therefor: s. 111, re-enacted

111. Where the boundaries of an area designated by the regulations under subsection 2 of section 103 in respect of a county or district combined separate school board or the boundaries of one or more municipalities in such area are to be altered effective on or before the 1st day of January next following an election of trustees of the board, such boundaries shall be deemed to have been altered for all purposes relating to such election except for the purpose of determining the persons responsible for performing duties in connection with the election. Effect of boundary change on elections

14. Subsection 5 of section 112 of the said Act is repealed. s. 112 (5), repealed

15.—(1) Subsection 4 of section 175 of the said Act is amended by striking out "January" in the second line and inserting in lieu thereof "December". s. 175 (4), amended

(2) Subsection 5 of the said section 175 is amended by striking out "January" in the second line and inserting in lieu thereof "December". s. 175 (5), amended

16. Subsection 1 of section 176 of the said Act is amended by striking out "28th day of February" in the second and third lines and inserting in lieu thereof "31st day of January". s. 176 (1), amended

17.—(1) Subsection 2 of section 180 of the said Act is repealed and the following substituted therefor: s. 180 (2), re-enacted

(2) A board that is elected at a regular election under *The Municipal Elections Act, 1977* and a board that is appointed or elected other than at a regular election under *The Municipal Elections Act, 1977* shall hold its first meeting not later than seven days after the day on which the term of office of the board commences on such date and at such time and First meeting 1977, c. 62

place as the board determines and, failing such determination at 8 p.m. at the head office of the board on the first Wednesda following the commencement of the term of office.

s. 180 (4), amended

(2) Subsection 4 of the said section 180 is amended by insertin after "in" in the first line "December of".

s. 180 (5), amended

(3) Subsection 5 of the said section 180 is amended by insertin after "in" in the first line "December of".

s. 190 (4), amended

18.—(1) Subsection 4 of section 190 of the said Act is amende by striking out "105 to 108 and 112 of *The Municipa Elections Act, 1972*" in the first and second lines an inserting in lieu thereof "107 to 110 and 114 of *Th Municipal Elections Act, 1977*".

s. 190 (5), amended

(2) Subsection 5 of the said section 190 is amended by strikin out "104 of *The Municipal Elections Act, 1972*" in th second and third lines and inserting in lieu thereof "10 of *The Municipal Elections Act, 1977*".

s. 193 (4), amended

19. Subsection 4 of section 193 of the said Act is amended by strikin out "31st day of December" in the sixth and seventh lines an inserting in lieu thereof "30th day of November".

s. 194 (4), re-enacted

20. Subsection 4 of section 194 of the said Act is repealed and th following substituted therefor:

Where election held to fill a vacancy
1977, c. 62

(4) Notwithstanding subsections 1 to 3 and section 19 where the elections of a board are held under *The Municip Elections Act, 1977*, and a vacancy occurs on the board on c before the 31st day of March of an election year, the boar may, by resolution, require that an election be held to fill th vacancy, in which case the secretary of the board shall forth with send to the clerk of the appropriate municipality certified copy of the resolution, and the provisions of tha Act that pertain to an election to fill a vacancy apply.

s. 199, amended

21. Section 199 of the said Act is amended by striking out "excep a board composed of only three members" in the second lin and inserting in lieu thereof "that is composed of more tha three members and whose elections are not conducted und *The Municipal Elections Act, 1977*".

s. 256 (8), amended

22. Subsection 8 of the said section 256 is amended by striking ou "December" in the fifth line and inserting in lieu there "November".

s. 257, amended

23. Section 257 of the said Act is amended by striking out "o or before the second Wednesday" in the fourth line and inser ing in lieu thereof "not later than ten days".

24. The terms of office of the members of a district school area board and of the trustees of a rural separate school board that, but for this Act, would expire in December of 1978, shall expire with the 30th day of November, 1978. Expiration of term of office

25. The said Act is further amended by striking out "*The Municipal Elections Act, 1972*" wherever it occurs and inserting in lieu thereof in each instance "*The Municipal Elections Act, 1977*". Act amended

26. This Act comes into force on the day it receives Royal Assent. Commencement

27. The short title of this Act is *The Education Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 20 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Education Act, 1974

1st Reading

June 6th, 1978

2nd Reading

June 16th, 1978

3rd Reading

June 16th, 1978

THE HON. T. L. WELLS
Minister of Education

BILL 111 1 aud. ine Leg. Leg. Sa. Thon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipality of Metropolitan Toronto Act

THE HON. T. L. WELLS
Minister of Education

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 111 1978

An Act to amend The Municipality of Metropolitan Toronto Act

IER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as lows:

1.—(1) Subsection 1 of section 119 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 54, section 3, is repealed and the following substituted therefor: s. 119 (1), re-enacted

(1) The provisions of *The Education Act, 1974* and the regulations that are not inconsistent with this Act apply to the boards of education referred to in subsection 1 of section 118, and, so far as such provisions are inconsistent with this Act, they do not apply to such boards of education. Application of 1974, c. 109

(2) Subsection 1*a* of the said section 119, as enacted by the Statutes of Ontario, 1972, chapter 54, section 3, is repealed. s. 119 (1*a*), repealed

(3) Subsection 3 of the said section 119 is amended by striking out "section 71 of *The Schools Administration Act*" in the second line and inserting in lieu thereof "section 210 of *The Education Act, 1974*". s. 119 (3), amended

(4) Subsection 4 of the said section 119 is amended by striking out "Part VI of *The Schools Administration Act*" in the second and third lines and inserting in lieu thereof "Part X of *The Education Act, 1974*". s. 119 (4), amended

2. Section 120 of the said Act is repealed and the following substituted therefor: s. 120, re-enacted

120. The first meeting of each such board of education after a regular election shall be held not later than the seventh day following the day on which the terms of office First meeting

of the elected members commence at such place and time as the board may determine.

s. 122 (1), re-enacted

3. Subsection 1 of section 122 of the said Act is repealed and the following substituted therefor:

First meeting of School Board

(1) The first meeting of the School Board after a regular election shall be held after the boards of education for the area municipalities have held their first meetings, but in any event, not later than the fourteenth day following the day on which the terms of office of the members of such boards of education commence, at such place and time as may be fixed by resolution of the School Board.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 20 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

June 6th, 1978

2nd Reading

June 16th, 1978

3rd Reading

June 16th, 1978

THE HON. T. L. WELLS
Minister of Education

BILL 112 Parl. ie Leg. Leg. Assembly

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to prohibit Discrimination in Business Relationships

THE HON. W. G. DAVIS
Premier

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 112 **1978**

An Act to prohibit Discrimination in Business Relationships

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "designated information" means information as to the race, creed, colour, nationality, ancestry, place of origin, sex or geographical location of a person;

(*b*) "Director" means the Director under *The Ministry of Consumer and Commercial Relations Act*; R.S.O. 1970, c. 113

(*c*) "Minister" means the Minister of Consumer and Commercial Relations;

(*d*) "person" includes a partnership, sole proprietorship, unincorporated association and governmental agency;

(*e*) "person connected", when used in relation to another person, means an employee, agent, partner or associate of the other person and, where the other person is a corporation, includes a director, officer, shareholder or member of the corporation;

(*f*) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*.

2. The purpose and intent of this Act is to prevent discrimination in Ontario on the ground of race, creed, colour, nationality, ancestry, place of origin, sex or geographical location of persons employed in or engaging in business. Purpose and intent of Act

3. This Act does not apply to: Where Act does not apply

1. The withholding of services or employment in the course of a lawful strike, lock-out or other labour dispute.

2. A discriminatory business practice engaged in in accordance with a policy of the Government of Canada directed toward trade with a country other than Canada or persons in a country other than Canada or of the Government of Ontario directed toward persons in Provinces or Territories other than Ontario.

Discriminatory business practices

4.—(1) For the purposes of this Act, the following shall be deemed to be discriminatory business practices:

1. A refusal to engage in business with a second person, where the refusal,

   (*a*) is on account of an attribute,

   (i) of the second person, or

   (ii) of a third person with whom the second person conducts, has conducted or may conduct business; and

   (*b*) is a condition of the engaging in business of the person making the refusal and another person.

2. A refusal or failure to employ, appoint or promote a second person or a dismissal or suspension of a second person from employment, where the refusal, failure, dismissal or suspension,

   (*a*) is on account of an attribute,

   (i) of the second person, or

   (ii) of a third person with whom the second person conducts, has conducted or may conduct business; and

   (*b*) is a condition of the engaging in business of the person making the refusal, failure, suspension or dismissal and another person.

3. Entering into a contract that includes a provision that one of the parties to the contract,

(*a*) will refuse to engage in business with a second person; or

(*b*) will refuse or fail to employ or promote or will dismiss or suspend from employment a second person,

on account of an attribute of the second person or of a third person with whom the second person conducts, has conducted or may conduct business.

(2) In subsection 1,

Interpretation

(*a*) "attribute", with reference to a person, means the race, creed, colour, nationality, ancestry, place of origin, sex or geographical location of the person, and includes the race, creed, colour, nationality, ancestry, place of origin, sex or geographical location of a person connected with the person or of nationals of a country with the government of which the person conducts, has conducted or may conduct business;

(*b*) "engaging in business" includes selling goods or services to or buying goods or services from, and "engage in business" has a corresponding meaning;

(*c*) "refusal" includes agreement to refuse.

Discriminatory business practices prohibited

5.—(1) No person in Ontario shall engage in a discriminatory business practice.

Seeking or providing designated information for discriminatory business practice

(2) No person shall seek or agree to seek from a second person and no person shall provide or agree to provide to a second person any designated information in respect of any person for the purpose of engaging in or assisting in engaging in a discriminatory business practice as defined in section 4.

Idem

(3) Where designated information is sought or agreed to be sought from a second person or is provided or agreed to be provided to a second person, the designated information shall be deemed to be sought, agreed to be sought or to be provided or agreed to be provided, as the case may be, for the purpose of engaging in or assisting in engaging in a discriminatory business practice unless the person that so acted establishes that it is sought, agreed to be sought or is provided or agreed to be provided for another purpose.

Negative statements of origin prohibited

(4) No person in Ontario shall seek or provide a statement, whether written or oral, to the effect that any goods

or services supplied or rendered by any person or government do not originate in whole or in part in a specific location, territory or country for the purpose of engaging in or assisting in engaging in a discriminatory business practice as defined in section 4, but this subsection does not prohibit a person in Ontario from seeking or providing a statement, whether written or oral, to the effect that any goods or services supplied or rendered by any person or government originate in whole or in part in a specific location, territory or country.

Seeking or providing information for discriminatory business practice

(5) No person in Ontario shall seek or provide information, whether written or oral, for the purpose of engaging in a discriminatory business practice, as to whether or not the person or any other person is a member of or has made contributions to or is otherwise associated with or involved in the activities of a charitable, fraternal or service organization.

Idem

(6) Where information specified in subsection 5 is sought from a person or is provided by a person to another person in response to a request, the information shall be deemed to be sought or provided, as the case may be, for the purpose of engaging in a discriminatory business practice unless the person that so acted establishes that it is sought or provided for another purpose.

One act deemed practice

(7) A person who performs one act referred to in section 4 shall be deemed to be engaging in a discriminatory business practice.

Report to Director

(8) Every person who receives a request, whether oral or in writing, to engage in a discriminatory business practice or to do an act that would be a contravention of subsection 2, 4 or 5 shall report the request and the response to the request within thirty days to the Director and shall provide the Director with such other information in respect of the request as the Director may require.

Order to cease discriminatory business practice or contravention of s. 5

6.—(1) Where the Director has reason to believe that a person is engaging or has engaged in a discriminatory business practice or is contravening or has contravened subsection 2, 4, 5 or 8 of section 5, the Director may order the person to comply with section 5 in respect of the discriminatory business practice or the contravention specified in the order.

Application of 1974, c. 131

(2) Where the Director proposes to make an order under subsection 1, subsections 2 to 7 of section 6 of *The Business Practices Act, 1974* apply with necessary modifications.

(3) Notwithstanding subsection 2, the Director may make an order under subsection 1 to take effect immediately where, in his opinion, to do so is necessary for the protection of the public or of any person and in such case subsections 2 to 5 of section 7 of *The Business Practices Act, 1974* apply with necessary modifications and, subject to subsections 3 and 4 of section 7 of that Act, the order takes effect immediately.

Order for immediate compliance

1974, c. 131

(4) Notwithstanding that, under section 9*b* of *The Ministry of Consumer and Commercial Relations Act*, an appeal is taken from an order of the Tribunal made under this section, the order takes effect immediately, but the Tribunal may grant a stay until the disposition of the appeal.

Stay

R.S.O. 1970, c. 113

7.—(1) Any person against whom the Director proposes to make an order to comply with section 5 may enter into a written assurance of voluntary compliance in a form that the Director may prescribe undertaking not to engage in the specified disciminatory business practice or other contravention of section 5 after the date thereof.

Assurance of voluntary compliance

(2) Where an assurance of voluntary compliance is accepted by the Director or an order is made by the Director with the consent of each person to be named in the order, the assurance or consent order has and shall be given for all purposes of this Act the force and effect, other than the disqualification provided by subsection 1 of section 10, of an order made by the Director.

Assurance or consent order deemed order

(3) An assurance of voluntary compliance may include such undertakings as are acceptable to the Director and the Director may receive a bond and collateral therefor as security for the reimbursement of the Treasurer of Ontario for investigation and other costs in such amount as is satisfactory to the Director.

Undertakings

(4) The Director,

Duties of Director

(*a*) shall receive and act on or mediate complaints respecting discriminatory business practices and other contraventions of section 5; and

(*b*) shall maintain available for public inspection a record of,

(i) assurances of voluntary compliance entered into under this Act, and

(ii) orders made under this Act, other than orders in respect of which hearings or appeals are pending, to cease engaging in discriminatory business practices or other contraventions of section 5.

Investigation by Director

8. Where, upon a statement made under oath, the Director has reason to believe that a person is contravening or is about to contravene any provision of this Act or an order or assurance of voluntary compliance made or given pursuant to this Act, the Director may by order appoint one or more persons to make an investigation as to whether or not such a contravention has occurred or is about to occur and the person or persons appointed shall report the result of the investigation to the Director and subsections 2 to 8 of section 11 of *The Business Practices Act, 1974* apply with necessary modifications.

1974, c. 131

Right to compensation

9.—(1) A person that incurs loss or damage as a result of an act that is a contravention of this Act has the right to compensation for the loss or damage and to punitive or exemplary damages from the person who committed the contravention.

Enforcement of right

(2) The right to compensation mentioned in subsection 1 may be enforced by action in a court of competent jurisdiction.

Disqualification of person supporting boycott

10.—(1) Every person against whom an order is made under section 6 or 11 or who is convicted of an offence under clause *d* or *e* of subsection 1 of section 16 is ineligible to enter into a contract to provide goods or service to the Crown or any agency of the Crown for a period of five years from the date of the making of the order or of the conviction, as the case may be.

Contractual provision

(2) A provision in a contract that provides for a matter that is a discriminatory business practice is a nullity and is severable from the contract.

Proceedings to prohibit continuation or repetition of contravention

11.—(1) Where any provision of this Act is contravened, notwithstanding any other remedy or any penalty, the Minister or any person who complains of injury due to the contravention may apply to a judge of the Supreme Court by originating motion for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the judge, will result or is likely to result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it

may be enforced in the same manner as any other order or judgment of the Supreme Court.

(2) A person against whom an order has been made under subsection 1 may apply to a judge of the Supreme Court for an order varying or rescinding the order made under subsection 1. Variation or rescission of order

12. Any notice or document required by this Act to be served or given may be served or given personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served or given by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date. Service of notice

13. Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 8, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, Matters confidential

(*a*) as may be required in connection with the administration of this Act or any proceeding under or pursuant to this Act;

(*b*) to his counsel or to the court in any proceeding under or pursuant to this Act;

(*c*) to inform the person involved of a discriminatory business practice and of any information relevant to the person's rights under this Act; or

(*d*) with the consent of the person to whom the information relates.

14. A copy of an order or assurance of voluntary compliance purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. Certificate of Director as evidence

15.—(1) The Lieutenant Governor in Council may make regulations exempting any person or class of persons from any provision of this Act. Regulations

Tabling in Assembly

(2) A regulation made under subsection 1 shall be tabled in the Assembly as soon as practicable after the day on which it comes into force if the Assembly is in session or, if not, at the commencement of the next ensuing session.

Offences

16.—(1) Every person who, knowingly,

(*a*) furnishes false information in an investigation under this Act;

(*b*) fails to comply with any order or assurance of voluntary compliance made or entered into under this Act;

(*c*) obstructs a person making an investigation under section 8;

(*d*) contravenes any provision of subsection 2, 4, 5 or 8 of section 5; or

(*e*) contravenes any provision of section 13,

is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000.

Corporation

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $50,000 and not as provided therein.

Directors and officers

(3) Where a corporation has been convicted of an offence under subsection 1 or 2,

(*a*) each director of the corporation; and

(*b*) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence.

Limitation period

(4) No proceeding under this section shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Annual report

17. The Director shall report annually to the Minister on the enforcement of this Act and on such other matters related to this Act as the Director considers advisable or the Minister may require, and the report shall set out,

(*a*) the names of all persons who entered into assurances of voluntary compliance under this Act in the year with the Director;

(*b*) the names of all persons against whom orders, other than orders in respect of which hearings or appeals are pending, have been made under this Act in the year to cease engaging in discriminatory business practices or other contraventions of section 5;

(*c*) the number of complaints received by the Director in the year respecting discriminatory business practices and other contraventions of section 5, together with,

(i) the number of complaints mediated and the results of the mediations, and

(ii) the number of complaints acted on and the action taken;

(*d*) the number and nature of the requests and responses reported to the Director in accordance with subsection 8 of section 5 in the year, the action taken thereon and the results of the action taken; and

(*e*) the names of all persons convicted of offences under this Act in the year, including the offence for which each was convicted and, in each case, the penalty imposed,

and the Minister shall lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

18. This Act comes into force on the day it receives Royal Assent. Commencement

19. The short title of this Act is *The Discriminatory Business Practices Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 9 1978

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to prohibit
Discrimination in Business
Relationships

1st Reading

June 8th, 1978

2nd Reading

June 20th, 1978

3rd Reading

November 7th, 1978

THE HON. W. G. DAVIS
Premier

1978

BILL 113 1 Govt. Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Training Schools Act

THE HON. KEITH C. NORTON
Minister of Community and Social Services

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 113 1978

An Act to amend The Training Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as llows:

1.—(1) Clause *a* of section 1 of *The Training Schools Act*, being chapter 467 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor: s. 1 (*a*), re-enacted

(*a*) "Area Administrator" means one or more employees of the Ministry appointed by the Minister as an Area Administrator for the purposes of this Act.

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: s. 1 (*c*), re-enacted

(*c*) "home" means a parental home, foster home or a home where residential services and other services are provided under an agreement with the Minister.

(3) The said section 1, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is further amended by adding thereto the following clause: s. 1, amended

(*fa*) "Ministry" means the Ministry of Community and Social Services.

(4) Clause *h* of the said section 1 is amended by adding at the end thereof "and includes a guardian or a person who has demonstrated a settled intention to treat the child as a child of the person's family but does not include a person who exercises the rights and duties of a legal guardian under section 17". s. 1 (*h*), amended

(5) The said section 1 is further amended by adding thereto the following clause: s. 1, amended

1978, c....

R.S.O. 1970, c. 369

(*ha*) "place of safety" means a receiving home, foste home, hospital and such other place or class c places designated as places of safety under *Th Child Welfare Act, 1978* and includes an observatio and detention home established under *The Pro vincial Courts Act* but does not include a trainin school or any place in which adults are or may b imprisoned.

s. 6 (1), re-enacted

2.—(1) Subsection 1 of section 6 of the said Act is repealed an the following substituted therefor:

Advisory Board

(1) There shall be a board to be known as The Trainin Schools Advisory Board composed of such number of men bers as is prescribed by the regulations and the members the Board shall be appointed by the Lieutenant Governo in Council and shall hold office during pleasure, and th Lieutenant Governor in Council may designate one of th members to be chairman of the Advisory Board.

s. 6 (6), re-enacted

(2) Subsection 6 of the said section 6 is repealed and th following substituted therefor:

Allowance as member of the Advisory Board

(6) The Lieutenant Governor in Council shall fix a *p diem* allowance to be payable to each member of the Adviso Board and each member is entitled to be reimbursed for th member's reasonable and necessary travelling and livi expenses for attendance at meetings and in the transactio of the business of the Advisory Board.

s. 9, re-enacted

3. Section 9 of the said Act is repealed and the following su stituted therefor:

Crown ward

9. Where,

(*a*) a child has contravened any statute in force Ontario which contravention would be punishab by imprisonment if committed by an adult; and

(*b*) the child is at least twelve years of age and und sixteen years of age,

a judge may order that the child be made a ward of t Crown and that the child be committed to the care of t Minister.

s. 11, re-enacted

4. Section 11 of the said Act is repealed and the following su stituted therefor:

11. The judge, in an order made under section 9, shall state, where practicable, the name, age and religious faith of the child. Contents of order

5. Subsection 1 of section 12 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor: s. 12 (1), re-enacted

(1) Where a judge makes an order under section 9, the judge shall cause a copy of the evidence taken before the judge to be sent to the Area Administrator referred to in subsection 1 of section 17. Copy of evidence to Area Administrator

6. Section 16 of the said Act is repealed and the following substituted therefor: s. 16, re-enacted

16.—(1) The Minister may appoint one or more persons to act as an Area Administrator. Area Administrator

(2) An Area Administrator shall, Duties of Area Administrator

(*a*) supervise the management and operation of training schools and homes;

(*b*) direct the training, treatment, care and control of children who are made wards of the Crown under this Act;

(*c*) perform such other duties and functions as are prescribed by this Act or the regulations or by the Lieutenant Governor in Council.

(3) Any or all of the powers, duties and functions conferred, imposed upon or exercised by an Area Administrator by or under this Act may be delegated by the Area Administrator to any person or class of persons for the purpose of the effective administration of this Act and each delegation may be in respect of any or all training schools, homes or wards of the Crown under the authority of the Area Administrator and shall be subject to such limitations, restrictions, conditions and requirements as the Area Administrator considers necessary for the purpose. Delegation

7. Section 17 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor: s. 17, re-enacted

17.—(1) Where a child is made a ward of the Crown and committed to the care of the Minister by order of a judge Crown wardship

under section 9, the Crown has and shall assume all the right and duties of a legal guardian of such child and the right and duties of the Crown in respect of the child shall b exercised by the Area Administrator for the area wher the judge who made the order presides unless the Minister by order, designates another Area Administrator for th purpose.

Rights of parents and other guardians

(2) During the period that a child is a ward of the Crow under this Act, the rights and duties of the child's parent or other guardians in respect of the care, custody and cor trol of the child are suspended.

Transfer, release of ward

(3) Where a child is made a ward of the Crown unde this Act, the Minister or the Area Administrator wh exercises the rights and duties of the Crown in respect o the child shall, by order, place the ward in a training scho or home, and may, from time to time,

(*a*) transfer the ward from one training school t another or to a home;

(*b*) transfer the ward from one home to another or to training school; or

(*c*) release the ward from a training school or a hom upon such conditions as the Minister or the Are Administrator thinks fit,

and where an order is made under clause *a*, *b* or *c*, the ord shall indicate the Area Administrator who shall exercise th rights and duties referred to in subsection 1.

Expiry, termination of wardship

(4) The wardship of the Crown expires upon the war attaining the age of eighteen years, but the Minister ma terminate the wardship before that date,

(*a*) upon or at any time after the release of the war from a training school or a home; or

(*b*) during the time that the ward is placed in a home.

s. 19, re-enacted

8. Section 19 of the said Act, as amended by the Statutes o Ontario, 1977, chapter 22, section 1, is repealed and th following substituted therefor:

Designation of foster homes

19. The Minister or any employee of the Ministry desi nated in writing by the Minister may designate any residenti premises as a foster home for the purposes of this Act.

9. Section 20 of the said Act is repealed and the following substituted therefor: s. 20, re-enacted

Apprehension of ward

20.—(1) A police officer, Area Administrator or person authorized by the Area Administrator who has reasonable and probable grounds to believe that a ward,

(*a*) has left a training school without permission of the Area Administrator;

(*b*) has left a home without permission of the Area Administrator or a person responsible for supervision in the home; or

(*c*) has failed or refuses to return to a training school or home upon completion of authorized leave,

may, with or without a warrant, apprehend the ward and take the ward to a place of safety to be detained therein.

Return of ward

(2) A ward who is detained in a place of safety under subsection 1 shall be,

(*a*) returned to the training school or home from which the ward was absent; or

(*b*) transferred to a training school or home pursuant to an order made under subsection 3 of section 17,

as soon as possible, but no later than forty-eight hours after being detained therein.

Warrant

(3) A warrant referred to in subsection 1 may be issued by a justice of the peace where the justice is satisfied on information laid before the justice on oath that the applicant has authority under subsection 1 to apprehend a ward.

Search

(4) Where a person authorized by a warrant issued under subsection 3 has reasonable and probable grounds to believe that the ward who is the subject of the warrant is on any premises, the person may enter the premises, if need be by force, and search for and remove the ward from the premises.

0. Section 21 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed. s. 21, repealed

1. Section 22 of the said Act is repealed and the following substituted therefor: s. 22, re-enacted

Penalties

22. Every person,

(*a*) who aids or abets any ward to leave a training school or a home without permission of the Area Administrator or a person responsible for supervision in the home;

(*b*) who knowingly harbours or conceals a ward who has left a training school or a home without permission of the Area Administrator or a person responsible for supervision in the home or who has failed or refuses to return to a training school or home upon completion of authorized leave; or

(*c*) who knowingly makes, or procures to be made, any false statement in any return required under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or to both.

s. 22*a*, enacted

12. The said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is further amended by adding thereto the following section:

Agreements

22*a*. The Minister may enter into agreements with any person upon such terms and conditions as may be agreed for the provision of residential and other services to or on behalf of Crown wards.

s. 23 (*b*), re-enacted

13.—(1) Clause *b* of section 23 of the said Act is repealed and the following substituted therefor:

(*b*) governing the conduct, discipline, rights and privileges of Crown wards under this Act;

(*ba*) designating training schools or classes of training schools for the purposes of this Act and the regulations.

s. 23 (*c*), re-enacted

(2) Clause *c* of the said section 23 is repealed and the following substituted therefor:

(*c*) governing the accommodation, facilities, equipment, training, treatment and other services to be provided in training schools.

(3) Clauses *g*, *h* and *i* of the said section 23 are repealed and the following substituted therefor: s. 23 (*g*, *h*, *i*), re-enacted

(*g*) requiring training schools and homes to provide such information as is prescribed and prescribing the persons to whom such information shall be provided;

(*h*) prescribing the number of members and duties of The Training Schools Advisory Board in addition to those duties mentioned in section 6;

(*i*) governing the powers and duties of Area Administrators, superintendents and members of the staff of training schools and homes and prescribing the qualifications of members of homes and training schools.

(4) The said section 23 is amended by adding thereto the following clauses: s. 23, amended

(*l*) for the purposes of this Act and the regulations, defining "residential services" and "other services" and prescribing classes of services;

(*m*) prescribing the classes of payments by way of provincial aid to any home or training school or class thereof and the methods of determining the amounts of payments and providing for the manner and time of payment and the terms and conditions for the payment thereof and the suspension and withholding of payments and for the making of deductions from payments;

(*n*) establishing procedures providing for the review of decisions made under this Act affecting Crown wards.

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

15. The short title of this Act is *The Training Schools Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Training Schools Act

1st Reading

June 8th, 1978

2nd Reading

June 19th, 1978

3rd Reading

November 30th, 1978

THE HON. KEITH C. NORTON
Minister of Community and
Social Services

1978

BILL 114

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise The Child Welfare Act

THE HON. KEITH C. NORTON
Minister of Community and Social Services

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 114 **1978**

An Act to revise The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "approved estimate" means an estimate of net expenditures of a society finally approved under sections 8 to 12;

(*b*) "best interests of the child" means the best interests of the child in the circumstances having regard, in addition to all other relevant considerations, to

(i) the mental, emotional and physical needs of the child and the appropriate care or treatment, or both, to meet such needs,

(ii) the child's opportunity to enjoy a parent-child relationship and to be a wanted and needed member within a family structure,

(iii) the child's mental, emotional and physical stages of development,

(iv) the effect upon the child of any disruption of the child's sense of continuity,

(v) the merits of any plan proposed by the agency that would be caring for the child, compared with the merits of the child returning to or remaining with his or her parent,

(vi) the views and preferences of the child, where such views and preferences can reasonably be ascertained,

(vii) the effect upon the child of any delay in the final disposition in the proceedings,

(viii) any risk to the child of returning the child to or allowing the child to remain in the care of his or her parent;

(*c*) "court", unless otherwise indicated, means a provincial court (family division) or the Unified Family Court;

(*d*) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;

(*e*) "judge", unless otherwise indicated, means a provincial judge presiding in a provincial court (family division) or in the Unified Family Court;

(*f*) "local director" means the local director of a society appointed under this Act;

(*g*) "Minister" means the Minister of Community and Social Services;

(*h*) "Ministry" means the Ministry of Community and Social Services;

(*i*) "municipality" means the corporation of a county, city, or separated town or a district, metropolitan or regional municipality, but does not include a city or separated town in a district, metropolitan or regional municipality, and in a territorial district means the corporation of a city, town, village or improvement district;

(*j*) "prescribed" means prescribed by the regulations;

(*k*) "regulations" means the regulations made under this Act;

(*l*) "society" means a children's aid society approved by the Lieutenant Governor in Council under this Act. R.S.O. 1970, c. 64, s. 1; 1972, c. 1, s. 19 (3); 1975, c. 1, s. 1, *amended*.

PART I

OFFICERS, SOCIETIES

Appointment of Director

2.—(1) The Minister may appoint one or more persons to act as a Director. *New*.

Duties of Director

(2) A Director,

(*a*) shall advise and supervise societies;

(*b*) shall inspect or direct and supervise the inspection of the operation and records of societies;

(*c*) shall exercise the powers and duties of a society in any area in which no society is functioning;

(*d*) shall inspect or direct and supervise the inspection of any place in which a child in the care of a society is placed;

(*e*) shall prepare and submit an annual report to the Minister;

(*f*) shall keep books of account of all moneys received and disbursed by the Director;

(*g*) may designate in writing a place or class of places as a place of safety for the purposes of this Act;

(*h*) shall ensure that societies are providing the standard of services and following the procedures and practices prescribed under subsection 3 of section 6;

(*i*) shall perform such other duties as are prescribed by this Act or the regulations or by the Lieutenant Governor in Council. R.S.O. 1970, c. 64, s. 2 (1), *amended*.

Acting Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister designates. R.S.O. 1970, c. 64, s. 2 (3), *amended*.

Investigation

3.—(1) The Minister may by order appoint a judge of the county or district court to make an investigation into any matter,

(*a*) relating to any person in the care of a society; or

(*b*) for the due administration of this Act,

and the person appointed shall report the result of the investigation to the Minister. R.S.O. 1970, c. 64, s. 3 (1); 1975, c. 1, s. 3, *amended*.

Powers on investigation

1971, c. 49

(2) For the purposes of an investigation under subsection 1, the judge has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the investigation as if it were an inquiry under that Act. R.S.O. 1970, c. 64, s. 3 (2); 1971, c. 49, s. 18.

Appointment of local directors

4.—(1) Every society shall appoint a local director who shall be responsible to the board of directors of the society for the administration and enforcement of this Act and the

regulations in the area in which the society has jurisdiction, who shall co-operate with a Director to this end and who shall carry out such other duties as are required by the constitution, by-laws and directions of the society.

Powers of local directors, etc.

1974, c. 109

R.S.O. 1970, c. 374

(2) Every local director and every person designated by the board of directors of a society has for the purposes of this Act the powers of a school attendance counsellor under *The Education Act, 1974* and a police officer, and any one of them shall be deemed to be an officer within the meaning of section 10 of *The Public Authorities Protection Act*, and that section and the other provisions of that Act apply to them in the same manner and to the same extent as they do to the officers mentioned in that section. R.S.O. 1970, c. 64, s. 4, *amended*.

Police assistance

5. A Director or a local director or any person acting under the authority of either of them may call for aid, in the performance of the duties of the Director, local director or the person, as the case may be, a member of the police force responsible for policing the area in which the aid is required. R.S.O. 1970, c. 64, s. 5, *amended*.

Establishment of societies

R.S.O. 1970, c. 89

6.—(1) Every society shall be incorporated under *The Corporations Act* or a predecessor thereof as a corporation without share capital and shall be approved by the Lieutenant Governor in Council.

Purposes

(2) Every society shall be operated for the purposes of,

(*a*) investigating allegations or evidence that children may be in need of protection;

(*b*) protecting children where necessary;

(*c*) providing guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children;

(*d*) providing care for children assigned or committed to its care under this or any other Act;

(*e*) supervising children assigned to its supervision under this or any other Act;

(*f*) placing children for adoption;

(*g*) assisting the parents of children born or likely to be born outside of marriage and their children born outside of marriage; and

(*h*) any other duties given to it by this or any other Act. R.S.O. 1970, c. 64, s. 6 (1, 2), *amended*.

(3) Every society shall, Standard of services

(*a*) provide the standard of services relating to the purposes set out in subsection 2 of section 6; and

(*b*) follow the procedures and practices,

that shall be prescribed by the Minister.

(4) The by-laws of every society shall contain such provisions as the regulations prescribe, and a certified copy of the by-laws and any amendments thereto shall be filed with a Director forthwith after they are made, and no such by-laws or amendments shall come into operation until they have been approved by the Minister. R.S.O. 1970, c. 64, s. 6 (3, 4), *amended*. By-laws

7.—(1) A society shall be governed by a board of directors composed of such municipal representatives as are determined under subsections 2 to 6 and the president, one or more vice-presidents, the secretary, the treasurer and such other officers and members as are determined, elected in such manner and for such period as the by-laws of the society provide. Board of directors

(2) Where a society has jurisdiction in but not outside a city, separated town or a district, regional or metropolitan municipality, the municipal representatives shall be not fewer than four appointed from among themselves by the council of the city, separated town or the district, regional or metropolitan municipality. Municipal representatives

(3) Where a society has jurisdiction in a county but not in a city or separated town, the municipal representatives shall be not fewer than four appointed from among themselves by the council of the county. Idem

(4) Where a society has jurisdiction in an area that includes a county or part of a county outside a city, separated town or a district, regional or metropolitan municipality, Idem

(*a*) one municipal representative shall be appointed from among themselves by the council of each county, city, separated town and the district, regional or metropolitan municipality in the jurisdiction; and

(*b*) the council of the county, city, separated town or the district, regional or metropolitan municipality having the largest population as determined by the last revised assessment rolls shall appoint from among themselves such other municipal representa-

tives as are required, so that the total number of municipal representatives on the board of directors is not fewer than four.

Idem

(5) In subsections 2 to 4, a reference to a city or separated town does not include a city or separated town in a district, regional or metropolitan municipality.

Idem

(6) Where a society has jurisdiction in an area that includes a district or part of a district outside a city or a district, regional or metropolitan municipality, the municipal representatives shall be appointed in the manner determined under subsection 4, except that the district welfare administration board or the District Child Welfare Budget Board referred to in section 10, as the case may be, shall appoint the representatives required by subsection 4 to be appointed by the council of a county.

Executive committee

(7) The board of directors of a society shall pass a by-law providing for the election from among their number of an executive committee of nine members, consisting of the president, the treasurer, four municipal representatives and three other directors, and delegating to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the board.

Quorum

(8) A majority of the members of an executive committee constitutes a quorum. R.S.O. 1970, c. 64, s. 7, *amended*.

Estimate of expenditures

8.—(1) Every society shall before a date to be fixed each year by a Director, which date shall be no later than the last day of February in the year next following, prepare and file with the Director and, subject to subsection 2 and section 10, with each municipality in the area in which the society has jurisdiction, an estimate of its net expenditures, determined in accordance with the regulations, for operations for the year next following.

Minister may determine estimate

(2) Where a society has not filed an estimate in accordance with subsection 1 before the date prescribed therefor by the Director under that subsection, the Minister may at any time thereafter determine the amount of the estimate and cause the estimate to be filed with the society and, subject to subsection 3 of section 10, with each municipality in the area in which the society has jurisdiction.

Estimate deemed to be approved

(3) An estimate filed under subsection 2 shall, subject to subsections 1 and 2 of section 11, be deemed to be approved

by the Minister under subsection 1 of section 9, sixty days after it is filed.

Approval of estimate by council of municipality

(4) The council of every municipality with whom an estimate is filed in accordance with subsection 1 shall, subject to section 10 and subsection 1 of section 11, grant its approval to the estimate within sixty days from the date fixed by the Director. 1975, c. 1, s. 4, *part, amended.*

Estimate deemed to be approved

(5) A municipality that has not, within the period of time fixed under subsection 4,

(*a*) granted its approval to the estimate pursuant to subsection 4; or

(*b*) referred the estimate to a child welfare review committee under section 11,

shall, at the expiration of that period, be deemed to have granted its approval under subsection 4. *New.*

Proportion referable to each municipality

(6) Where a society has jurisdiction in more than one municipality, the portion of the estimate of net expenditures that is referable to each municipality shall, subject to subsection 10 of section 12, be determined in accordance with the regulations. 1975, c. 1, s. 4, *amended.*

Exception

R.S.O. 1970, c. 132

(7) Subsection 6 does not apply where a district welfare administration board has been established under *The District Welfare Administration Boards Act.* 1975, c. 1, s. 4, *part.*

Approval by Minister

9.—(1) After an estimate has been filed with a Director pursuant to subsection 1 of section 8 and approved by the council of each municipality with whom it was filed, pursuant to subsection 4 of section 8, the Minister may approve the estimate as filed, or, subject to subsection 2 and subsection 2 of section 11, vary the amount of the estimate and approve the estimate as so varied.

Notice by Minister

(2) Where the Minister intends to vary the amount of an estimate and to approve the estimate as so varied pursuant to subsection 1, the Minister shall, at least thirty days prior to approving the estimate, cause notice to be given of the Minister's intention to approve or to vary, as the case may be, to the society and to the council of each municipality in the area in which the society has jurisdiction or to the District Child Welfare Budget Board, as the case may be. 1975, c. 1, s. 5, *amended.*

Interpretation

10.—(1) In this section,

R.S.O. 1970, c. 132

(*a*) "district" means a district as defined in *The District Welfare Administration Boards Act*;

(*b*) "municipality" means a municipality as defined in *The District Welfare Administration Boards Act*. R.S.O. 1970, c. 64, s. 10 (1).

District Child Welfare Budget Board

(2) The councils of every municipality in a district in which a district welfare administration board has not been established shall, on or before the 1st day of October in each year, jointly appoint five persons to be a board known as the District Child Welfare Budget Board. R.S.O. 1970, c. 64, s. 10 (2); 1975, c. 1, s. 6 (1).

Approval of estimates

(3) The estimate of net expenditures of a society in a district shall be approved by the District Child Welfare Budget Board in lieu of the approval by the municipal councils otherwise required by section 8. R.S.O. 1970, c. 64, s. 10 (3); 1975, c. 1, s. 6 (2), *amended*.

Reference to child welfare review committee

11.—(1) Where the council of a municipality or a District Child Welfare Budget Board does not agree with the amount of the estimate submitted to it by a society pursuant to subsection 1 of section 8 or with the portion of the estimate that is referable to the municipality, it may, on or before the expiration of the time fixed under subsection 4 of section 8 for the approval of the estimate by the municipality or the District Child Welfare Budget Board, as the case may be, request the Minister to refer the matter to a child welfare review committee. R.S.O. 1970, c. 64, s. 11 (1); 1975, c. 1, s. 7 (1), *amended*.

Idem

(2) Where a society, the council of a municipality or a District Child Welfare Budget Board, as the case may be, does not agree with the amount of the estimate,

(*a*) that has been filed pursuant to subsection 2 of section 8; or

(*b*) that the Minister intends to approve as varied pursuant to subsection 1 of section 9,

any one of them may,

(*c*) in the case of an estimate referred to in clause *a*, before the expiration of sixty days after the filing of the estimate; and

(*d*) in the case of an estimate referred to in clause *b*, after receiving notice of the Minister's intention pursuant to subsection 2 of section 9 and before the Minister's approval is given under subsection 1 of section 9,

request the Minister to refer the matter to a child welfare review committee. 1975, c. 1, s. 7 (2), *amended*.

Idem

(3) The provisions of subsection 2 apply with necessary modifications to the council of a municipality or a District Child Welfare Budget Board that does not agree with the portion of the estimate referable to the municipality, where the estimate has been filed by the Minister pursuant to subsection 2 of section 8. *New*.

Composition of child welfare review committee

12.—(1) For the purposes of this section and section 11, a child welfare review committee shall consist of,

(*a*) one member appointed by the Minister, who shall be chairman;

(*b*) one member appointed by the Ontario Association of Children's Aid Societies; and

(*c*) one member appointed by the council of the municipality or the District Child Welfare Budget Board, as the case may be. R.S.O. 1970, c. 64, s. 11 (3), *amended*.

Joint appointment to committee

(2) Where a society has jurisdiction in more than one municipality and there is no District Child Welfare Budget Board, the member to be appointed under clause *c* of subsection 1 shall be appointed jointly by those municipalities. R.S.O. 1970, c. 64, s. 11 (5), *amended*.

Appointment of members

(3) Where the Minister receives a request under subsection 1 or 2 of section 11, the Minister shall forthwith appoint the member referred to in clause *a* of subsection 1 and cause notice to be given to the Ontario Association of Children's Aid Societies and the council of the municipality or the District Child Welfare Budget Board, as the case may be, to appoint, within ten days of the notice having been given, the members referred to in clauses *b* and *c* of subsection 1, respectively, and to inform the Minister forthwith of the names of the members appointed. *New*.

Notice

(4) The Minister shall, after being informed under subsection 3, forthwith cause notice of the names of the members of the child welfare review committee to be given to the parties concerned. R.S.O. 1970, c. 64, s. 11 (4), *amended.*

Failure to appoint member

(5) Where a party who receives a notice to appoint a member to the committee under subsection 3 fails to appoint a member within the time prescribed, the Minister shall, in the place of the party who failed to make the appointment, forthwith appoint the member to the committee. R.S.O. 1970, c. 64, s. 11 (6), *amended.*

Procedure

(6) A child welfare review committee shall be convened by the chairman thereof within ten days after all the members have been appointed and the committee shall determine its own procedures. R.S.O. 1970, c. 64, s. 11 (7), *amended.*

Evidence

(7) A child welfare review committee may receive such written or oral evidence from a Director, the society, the municipality or District Child Welfare Budget Board, as the case may be, or any other person as it in its discretion considers proper whether admissible in a court of law or not and may require the Director to present evidence and make submissions. R.S.O. 1970, c. 64, s. 11 (8), *amended.*

Idem

(8) A Director shall, when required by a child welfare review committee, present evidence and make submissions before the committee. *New.*

Findings of committee

(9) A child welfare review committee shall review the evidence submitted to it and obtain any additional evidence or material it considers necessary and shall report its findings and make recommendations to the Minister within thirty days from the date that the committee first convenes and the findings and recommendations of the committee shall be made available to the parties concerned. R.S.O. 1970, c. 64, s. 11 (9).

Decision of Minister

(10) After reviewing the findings and recommendations of a child welfare review committee, the Minister may approve the estimate filed under subsection 1 or 2 of section 8, vary the amount of the estimate and approve the estimate as so varied or determine the apportionment referred to in subsection 6 of section 8, as the case may be, and the decision of the Minister is final. R.S.O. 1970, c. 64, s. 11 (10), *amended.*

Notice

(11) Notice of the Minister's decision shall be given to the parties concerned within thirty days after the Minister receives the report and recommendations of a child welfare review committee. R.S.O. 1970, c. 64, s. 11 (11), *amended.*

13.—(1) There shall be paid out of the moneys appropriated therefor by the Legislature to each society an amount, determined in accordance with the regulations, of the approved estimate of the society. Payments by Ontario

(2) Every municipality shall pay to the society having jurisdiction in the municipality an amount, determined in accordance with the regulations, of the portion determined in accordance with subsection 6 of section 8, of the approved estimate of the society that is referable to the municipality. Payments by municipality

(3) Any amount payable to a society under this section in respect of an approved estimate, including advances before such estimate is approved, may be paid at such times and in such manner as are determined by the Minister. 1975, c. 1, s. 8, *amended*. Manner of payment

14.—(1) Where the erection, purchase or other acquisition of a building by a municipality or by a society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Minister may, out of the moneys appropriated therefor by the Legislature, direct payment to the municipality or to the society of an amount, determined in accordance with the regulations, of the cost to the municipality or society of the building determined in accordance with the regulations. Capital payments

(2) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building, the structural alteration or the renovation or the furnishing and equipping of a building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Minister may direct payment to the society out of moneys appropriated therefor by the Legislature of an amount, determined in accordance with the regulations, towards the cost determined in accordance with the regulations of the new building, addition, acquisition, structural alteration, renovation or furnishing and equipping, as the case may be, that is applicable to the facilities and services. 1972, c. 109, s. 1, *amended*. Idem

15.—(1) The council of any municipality shall pass by-laws for the levying of such amounts as are necessary for the purpose of meeting any liability imposed on the municipality under this Act and may pass by-laws for the Power to make levies

purpose of affording to a society such other assistance as the council considers advisable.

When society a local board
R.S.O. 1970, c. 324

(2) A society shall be deemed to be a local board of each municipality in which it has jurisdiction for the purposes of *The Ontario Municipal Employees Retirement System Act* and not for any other purpose. R.S.O. 1970, c. 64, s. 15, *amended*.

Special homes and services

16. Where two or more societies have concurrent or contiguous jurisdictions they may with the approval of the Minister enter into an agreement establishing a joint committee for the purpose of providing facilities and services for the joint use of the societies to meet such special needs of children as are prescribed by the regulations, and sections 8 to 14 apply to the joint committee, for the purposes for which it was established, in the same manner as if the joint committee were a society. R.S.O. 1970, c. 64, s. 17, *amended*.

Temporary board

17. Where, in the opinion of the Lieutenant Governor in Council, a society is not able to perform its duties, the Lieutenant Governor in Council may appoint a board of directors who shall be the board of directors of the society for such period as the Lieutenant Governor in Council considers advisable. R.S.O. 1970, c. 64, s. 18, *amended*.

Dissolution of societies

18. The Lieutenant Governor in Council may, at any time upon the recommendation of the Minister, dissolve a society on such date as the order provides, and upon the dissolution of a society its property vests in the Crown to be held and disposed of in such manner as the Lieutenant Governor in Council determines. R.S.O. 1970, c. 64, s. 19, *amended*.

PART II

PROTECTION AND CARE OF CHILDREN

Interpretation

19.—(1) In this Part and Part IV,

(*a*) "child" means a person actually or apparently under sixteen years of age, and in the case of a person who is the subject of an order under subsection 1 of section 30, includes a person under eighteen years of age;

(*b*) "child in need of protection" means,

(i) a child who is brought, with the consent of the person in whose charge the child is, before a court to be dealt with under this Part,

(ii) a child who is deserted by the person in whose charge the child is,

(iii) a child where the person, in whose charge the child is, cannot for any reason care properly for the child, or where that person has died and there is no suitable person to care for the child,

(iv) a child who is living in an unfit or improper place,

(v) a child found associating with an unfit or improper person,

(vi) a child found begging or receiving charity in a public place,

(vii) a child where the person in whose charge the child is is unable to control the child,

(viii) a child who without sufficient cause is habitually absent from home or school,

(ix) a child where the person in whose charge the child is neglects or refuses to provide or obtain proper medical, surgical or other recognized remedial care or treatment necessary for the child's health or well-being, or refuses to permit such care or treatment to be supplied to the child when it is recommended by a legally qualified medical practitioner, or otherwise fails to protect the child adequately,

(x) a child whose emotional or mental development is endangered because of emotional rejection or deprivation of affection by the person in whose charge the child is,

(xi) a child whose life, health or morals may be endangered by the conduct of the person in whose charge the child is;

(*c*) "developmental handicap" means a condition of mental impairment present or occurring during a person's formative years that is associated with limitations in adaptive behaviour;

(*d*) "foster home" means a home, other than the home of the child's parent, in which a child is placed for care and supervision but not for the purposes of adoption;

(*e*) "parent" includes,

(i) a guardian,

(ii) a person who has demonstrated a settled intention to treat a child as a child of the person's family, and

(iii) a person who is not recognized in law to be a parent of a child but,

1. has acknowledged a parental relationship to the child and has voluntarily provided for the child's care and support,

2. by an order of a court of competent jurisdiction or a written agreement, is under a legal duty to provide for the child or has been granted custody of or access to the child, or

3. has made a written acknowledgment of the fact of his or her parentage to the society having or applying for the care or supervision of the child,

but does not include the Crown, a society or a foster parent of a child;

(*f*) "place of safety" means a receiving home, foster home, hospital, and such other place or class of places designated in writing by a Director, but does not include a training school under *The Training Schools Act*;

R.S.O. 1970, c. 467

(*g*) "receiving home" means an institution or home operated or supervised by a society for the temporary care of children. R.S.O. 1970, c. 64, s. 20 (1); 1972, c. 109, s. 2; 1975, c. 1, s. 12 (1-4), *amended*.

By whom cases are to be heard

(2) Subject to subsection 3 and subsection 3 of section 32, an application in respect of a child under this Part shall be heard by a court in the county or district in which the child

was taken into care. R.S.O. 1970, c. 64, s. 20 (2); 1975, c. 1, s. 12 (5), *amended*.

Transfer of proceedings

(3) Where,

(*a*) a child is taken into care, the court in the county or district in which the child is taken into care; or

(*b*) a child is produced before the court under section 21 or 22, the court in the county or district in which the child is produced,

is satisfied that there is a preponderance of convenience in favour of holding the hearing in respect of the child in another county or district, the court may, at any time after an application is made in respect of the child under this Part and before hearing the application, transfer the proceedings to a court in any other county or district.

Guardian *ad litem*

(4) For the purposes of an application under this Part, where the parent of a child is under eighteen years of age, the Official Guardian shall be the guardian *ad litem* of the parent with the duty of safeguarding the parent's interests before the court unless the court appoints any other person to be guardian *ad litem* for this purpose, and the court may make such order as to the costs of the guardian *ad litem* as the court considers just. R.S.O. 1970, c. 64, s. 20 (4); 1971, c. 98, s. 4, Sched., par. 6, *amended*.

Legal representation of child

20.—(1) A child may have legal representation at any stage in proceedings under this Part.

Idem

(2) Where on an application under this Part a child does not have legal representation, the court shall as soon as practicable in the proceedings, determine whether legal representation is desirable to protect the interests of the child and if at that or any later stage in the proceedings the court determines that legal representation is desirable the court shall direct that legal representation be provided for the child.

Idem

(3) In determining whether legal representation is desirable to protect the interests of the child under subsection 2 where,

(*a*) the court is of the opinion that there is a difference in the views of the child and,

(i) the views of the society, or

(ii) the views of a parent of the child,

and the society intends that the child be removed from the care of his or her parent or any other per-

son or remain in the care of the society pursuant to an order under paragraph 2 or 3 of subsection 1 of section 30, as the case may be;

(*b*) the child is in the care of the society and a parent is not present at any stage of the proceedings;

(*c*) the child is in the care of the society and is alleged to be a child upon whom abuse, as defined in subsection 1 of section 47, has been inflicted; or

(*d*) an order under section 33 excluding the child from the hearing is made or is likely to be made,

the court shall direct that legal representation be provided for the child unless, having regard to the views and preferences of the child, where such views and preferences can reasonably be ascertained the court is satisfied that the interests of the child are otherwise adequately protected. *New.*

How child in need of protection brought before court

21.—(1) A police officer, a Director, a local director or a person authorized by a Director or the local director, who has reasonable and probable grounds to believe that any child is apparently in need of protection, may,

(*a*) without warrant take the child to a place of safety and detain the child there until the matter can be brought before a court; or

(*b*) apply to a court for an order requiring the person in whose charge the child is to produce the child before a court at the time and place named in the order. R.S.O. 1970, c. 64, s. 21; 1975, c. 1, s. 13 (1), *amended.*

Idem

(2) A police officer, a Director, a local director or a person authorized by a Director or by a local director, who has reasonable and probable grounds to believe that a child actually or apparently under sixteen years of age has departed or has been removed from the lawful care and custody of a society without the consent of the society, may without warrant take the child to a place of safety and detain the child there. *New.*

Right of entry

(3) Where a person authorized under subsection 1 or 2 has reasonable and probable grounds to believe that a child referred to in subsection 1 or 2 is on any premises, the person may without warrant enter the premises, if need be by force, and without warrant search for and remove the child from the premises.

1971, c. 47, not to apply

(4) The provisions of *The Statutory Powers Procedure Act, 1971* do not apply to proceedings under this section. 1975, c. 1, s. 13 (2), *amended.*

22.—(1) Where it appears to a justice of the peace, on information laid before the justice on oath, Warrant to search for child in need of protection

(*a*) that there are reasonable and probable grounds to believe that a child is in need of protection; or

(*b*) that a child actually or apparently under sixteen years of age has departed or has been removed from the lawful care and custody of a society without the consent of the society,

the justice may issue a warrant authorizing a police officer, a Director, a local director or a person authorized by a Director or the local director to search for the child and to take the child to and detain the child in a place of safety. R.S.O. 1970, c. 64, s. 22 (1); 1972, c. 109, s. 3; 1975, c. 1, s. 14, *amended*.

(2) Where, upon application to a court by any person, the court is satisfied that there are reasonable and probable grounds to believe that a child is in need of protection and that the matter has been reported to a society and the local director of that society or person authorized by the local director has refused, or failed within a reasonable time, to apprehend the child or to apply to a court under section 21 or to apply for a warrant under subsection 1, the court may, after affording the society an opportunity to be heard, Idem

(*a*) make on order directing the local director of that society or person authorized by the local director, as the case may be, to search for the child and to take the child to and detain the child in a place of safety until the matter can be brought before a court; or

(*b*) order a person in whose charge the child is to produce the child before a court at the time and place named in the order. *New*.

(3) A person authorized by a warrant issued under subsection 1 or an order made under clause *a* of subsection 2, may enter, if need be by force, any house, building or other place specified in the warrant or order and may search for and remove the child therefrom. Right of entry

(4) It is not necessary in an information or warrant under subsection 1 or an application or order under clause *a* of subsection 2 to describe the child by name. R.S.O. 1970, c. 64, s. 22 (2, 3). Name not necessary

23.—(1) In this section, "homemaker" means a person approved by the local director or a Director and who remains or is placed on a premises for the purpose of caring for a child. 1975, c. 1, s. 15, *part*. Interpretation.

Homemaker may remain on premises

(2) Where it appears to a person entering a premises pursuant to section 21 or 22 that a child, who in the opinion of that person is unable to look after and care for himself or herself, has been temporarily left on the premises without proper or competent care or supervision and that a person having charge of the child is not available or is unable to consent to the placement of a homemaker on the premises, the person entering the premises, instead of taking the child to a place of safety, may,

(*a*) remain on the premises; or

(*b*) arrange with a society for the placement of a homemaker on the premises,

for the purpose of caring for the child and thereafter, subject to subsections 6, 7 and 8, the provisions of sections 27 to 36 apply with necessary modifications to the child. 1975, c. 1, s. 15, *part, amended.*

Idem

(3) A homemaker remaining or placed on a premises pursuant to subsection 2 may,

(*a*) enter and live on the premises; and

(*b*) carry on normal housekeeping activities on the premises,

in such manner and to such extent as is reasonably necessary to care for the child and may exercise reasonable control and discipline over the child.

Society or Director may provide goods and services

(4) Where a homemaker remains or is placed on a premises pursuant to subsection 2, the society or a Director, as the case may be, may provide goods and services on the premises necessary to properly care for the child. 1975, c. 1, s. 15, *part.*

Protection from personal liability

(5) A person who enters a premises pursuant to section 21 or 22 and who remains or is placed on a premises as a homemaker, pursuant to subsection 2 so long as the person is acting in good faith with reasonable care in the circumstances, is not liable for damages,

(*a*) for entering the premises;

(*b*) in connection with or arising out of the carrying on of normal housekeeping activities on the premises;

(*c*) for providing goods and services necessary to care for any child on the premises; or

(*d*) for exercising reasonable control and discipline over any child on the premises. 1975, c. 1, s. 15, *part, amended.*

Notice to parent

(6) Where a homemaker remains or is placed on a premises pursuant to subsection 2, the society shall forthwith notify or make reasonable efforts to notify the parent or other person having charge of the child, immediately before the homemaker entered the premises, of the placement of the homemaker on the premises.

Order of court

(7) Notwithstanding subsection 1 of section 30, where an application is made to a court under section 28, the court may order the homemaker to withdraw from the premises or may confirm the placement or entry of the homemaker on the premises for such period as the court considers necessary or until a parent or a person having custody of the child returns to care for the child but, subject to subsection 8, not to exceed thirty days. 1975, c. 1, s. 15, *part.*

Extension of period of order

(8) Where a parent or person having custody of the child has not returned before the end of the period set out in the order referred to in subsection 7, a court may, upon application therefor either before or after the expiration of the period of the order, extend the period for such further period of time as the court considers necessary or after a further hearing may make an order under subsection 1 of section 30. 1975, c. 1, s. 15, *part, amended.*

Child in institution

24. Where a child is in the care of an institution or home and no parent can be located, an officer of the institution or home after making reasonable efforts to locate a parent shall notify the society having jurisdiction in the area where the institution or home is located and the officer may, upon giving notice to the society, apply to a court that may determine that the child, notwithstanding clause *b* of subsection 1 of section 19, is a child in need of protection, and the provisions of sections 28 to 36 apply with necessary modifications to the child. R.S.O. 1970, c. 64, s. 23, *amended.*

Temporary care by agreement

25.—(1) Subject to the approval of the society, where a parent through circumstances of a temporary nature is unable to make adequate provision for his or her child, the parent may voluntarily place the child into the care and custody of a society with jurisdiction in the area where the parent resides and, where the society agrees to receive the child into care and custody, the society shall enter into a written agreement with the parent for such care and custody for a period, subject to subsection 2, of six months or less.

Extension of agreement

(2) Where a Director approves, the parties to an agreement under subsection 1 may agree to extend the agreement for a further period or periods of time that together with the first period shall not exceed twelve months, and the parties may agree to vary any other term or condition of the agreement that is not prescribed by the regulations.

Limitation on agreement

(3) Notwithstanding subsections 1 and 2, in no case shall an agreement under subsection 1 or any extension of the agreement be made that results in a child being in the care and custody of a society,

(*a*) as a ward of the society;

(*b*) pursuant to an agreement under this section; or

(*c*) pursuant to an order for adjournment made under subsection 13 of section 28 or any extension thereof,

or as a result of any combination of circumstances referred to in clauses *a*, *b* and *c* for a continuous period of more than twenty-four months.

Special needs agreement

(4) Subject to the approval of the society or the Minister, as the case may be, when a parent is unable to provide the services required by his or her child because of the special needs of the child, the parent may voluntarily place the child into the care and custody or under the supervision of a society with jurisdiction in the area where the parent resides or of the Crown, and where the society or the Minister, as the case may be, agrees to receive the child into care and custody or under supervision, the society or the Minister shall enter into a written agreement with the parent,

(*a*) for the placement of the child into the care and custody or under the supervision of the Crown or the society, as the case may be; or

(*b*) for the provision by the Minister or the society, as the case may be, of the services required to meet the special needs of the child,

or both, for such period or periods of time, subject to subsection 12, as may be agreed upon between the parties. 1975, c. 1, s. 15, *part, amended*.

Considerations before entering into an agreement

(5) Before entering into an agreement under this section, the society or the Minister, as the case may be, shall consider what assistance to the child is possible while the child is in

the care of his or her parent or other person and before the society or the Minister assumes care and custody or supervision of the child under an agreement. *New.*

Agreement not invalid by reason of age

(6) No agreement with a parent under this section is invalid by reason only of the fact that the parent entering into it is under eighteen years of age. 1975, c. 1, s. 15, *part.*

Consent of Director

(7) The voluntary placement of a child with a society or the provision of services to a child by a society pursuant to an agreement with the society under subsection 4 shall not be made without the consent of a Director.

Consent of child

(8) Subject to subsection 9, no agreement under this section or extension thereof shall be entered into under this section in respect of a child twelve or more years of age without the written consent of the child and such consent, subject to subsection 13, shall not be withdrawn.

Idem

(9) The consent required under subsection 8 is not required where the child is not capable of giving the consent because of a developmental handicap determined in accordance with the regulations.

Age limit

(10) No agreement under this section or any extension thereof shall extend beyond the eighteenth birthday of the person in respect of whom the agreement has been made.

Agreements with respect to persons over sixteen years of age

(11) A person sixteen or more years of age and under eighteen years of age or the person's parent where the person is not capable of entering into an agreement because of a developmental handicap determined in accordance with the regulations, may, with the approval of a Director, enter into an agreement under this section with the Minister or a society with jurisdiction in the area where the person resides with respect to the provision of services to such person by the Minister or the society, as the case may be. *New.*

Termination of agreement

(12) Any party to an agreement made under this section at any time during the period of the agreement or any extension thereof, may terminate the agreement by giving at least twenty-one days notice in writing to the other party or parties, as the case may be, and the agreement shall terminate on the expiration of the period set out in the notice. 1975, c. 1, s. 15, *part, amended.*

Idem

(13) A child who is twelve or more years of age and in respect of whom an agreement under this section was made, at any time during the period of the agreement or any

extension thereof, upon giving notice in writing to the society or to the Minister, as the case may be, may seek a review of the agreement by the society or the Minister and where,

(*a*) the existing agreement is not confirmed; and

(*b*) no further agreement is reached,

by the parties and the child within twenty-one days from the giving of the notice, the agreement shall be deemed to be terminated. *New.*

Return of the child

(14) Where an agreement under this section or an extension thereof,

(*a*) is terminated under subsection 12, as soon as is practicable and within the time period set out in the notice given under that subsection;

(*b*) is the subject of a review under subsection 13, upon the expiration of the twenty-one day period referred to in that subsection; or

(*c*) expires pursuant to the terms of the agreement or pursuant to subsection 2, before or as soon as is practicable after the expiration thereof,

the society or the Minister, as the case may be, shall,

(*d*) cause the child to be returned to the parent or other person in whose charge the child was immediately prior to the agreement being entered into, but where there is an outstanding order for custody of the child, cause the child to be placed with the person entitled to custody of the child under the order; or

(*e*) cause the matter to be brought before a court to determine whether the child is or would be, if left in the charge of or returned to the parent or other person in whose charge the child was immediately prior to the agreement being entered into, as the case may be, a child in need of protection, and thereafter the provisions of sections 28 to 36 apply, with necessary modifications, to the child. 1975, c. 1, s. 15, *part, amended.*

Application

(15) Subsection 14 does not apply to an agreement entered into under subsection 11. *New.*

Prohibition on placement

26. No person shall place a child into the care or custody of a society and no society shall receive a child into its care or custody except,

(*a*) where the child is detained in a place of safety under subsection 1 of section 21 or clause *a* of subsection 1 or subsection 2 of section 22;

(*b*) where the care of the child is assumed under section 23;

(*c*) pursuant to an order under this Part or any other Act respecting the care or custody of the child;

(*d*) pursuant to an agreement under subsection 1 or 4 of section 25;

(*e*) pursuant to the authority given under subsection 2 or 3 of section 43; or

(*f*) pursuant to a consent given under subsection 2 of section 69. *New.*

Detention limited

27.—(1) As soon as is practicable and within five days of detaining a child in a place of safety under subsection 1 of section 21 or clause *a* of subsection 1 or subsection 2 of section 22, or of assuming the care of a child under section 23, as the case may be,

(*a*) the matter shall be brought before a court to determine whether the child is a child in need of protection;

(*b*) the child shall be returned to the parent or other person in whose charge the child was immediately prior to the child's apprehension or to the assumption of the child's care, as the case may be, but, where there is an outstanding order for custody of the child, the child shall be placed with the person entitled to custody of the child under the order; or

(*c*) an agreement shall be entered into under section 25. 1975, c. 1, s. 16, *amended.*

Period of detention

R.S.O. 1970, c. 369

(2) A child who has been detained pursuant to subsection 2 of section 21 or clause *b* of subsection 1 of section 22 in an observation and detention home established or designated under *The Provincial Courts Act* that has been designated as a place of safety, shall, as soon as is practicable after the commencement of the detention, be brought before the court and the court shall make an order,

(*a*) confirming the child's detention for a period or periods that shall not in total exceed thirty days; or

(*b*) discharging the child from the observation and detention home,

and upon completion of the period of detention or the discharge, as the case may be, the child shall be removed from the observation and detention home for transfer back into the care of the society. *New*.

Hearing to be held

28.—(1) Where a child who has been apprehended or produced before the court under section 21 or 22 is before the court, there shall be a hearing to determine whether or not the child is in need of protection, and before the court finds that the child is in need of protection, the court shall also determine the child's age, name, and, in the case of a child detained in a place of safety under subsection 1 of section 21 or clause *a* of subsection 1 or subsection 2 of section 22, the location where the child was taken into protection and, subject to section 44, the religious faith of the child. 1975, c. 1, s. 17 (1), *amended*.

Witnesses

(2) The court, or upon the request of any party to the proceedings, a judge or a justice of the peace, has the power of summoning any person and requiring that person to attend before the court to testify and to produce such records, writings, documents and things as may be requisite, and the court has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce records, writings, documents and things as is vested in any court in civil cases. R.S.O. 1970, c. 64, s. 25 (2); 1975, c. 1, s. 17 (2), *amended*.

Who may be heard

(3) The court may hear any person with evidence relevant to the hearing including the child, a parent of the child, subject to subsection 9, a foster parent of the child, the local director of a society or any person appearing on behalf of any of them, any person authorized by the board of directors of the society on behalf of the society, the clerk of a municipality or any person authorized by the council of the municipality on behalf of the municipality, and a district director of the Ministry or any person authorized by the Minister on behalf of Ontario. R.S.O. 1970, c. 64, s. 25 (3); 1972, c. 1, s. 19 (3), *amended*.

Evidence

R.S.O. 1970, c. 151

(4) Notwithstanding any privilege or protection afforded under *The Evidence Act*, before making a decision that has the effect of placing a child in or returning a child to the care or custody of any person other than a society, the court may consider the past conduct of that person towards any child who is or has at any time been in the person's care, and any statement or report whether oral or written, including any transcript, exhibit or finding in a prior proceed-

ing whether civil or criminal that the court considers relevant to such consideration and upon such proof as the court may require, is admissible in evidence.

(5) The court may accept evidence by affidavit but the affidavit shall be confined to facts within the personal knowledge of the person making the affidavit. Affidavit evidence

(6) In determining the best interests of the child for the purposes of this Part, the court shall have regard to those considerations in subclauses i to viii of clause *b* of section 1 that are relevant in the circumstances. *New.* Determination of best interests of the child

(7) The court shall not proceed to hear or dispose of the matter until the court is satisfied that the parent or other person having actual custody of the child, including, where applicable, any foster parent who immediately prior to the hearing has been caring for the child on behalf of a society for a continuous period of more than six months and, subject to subsection 8, the child, has had reasonable notice of the hearing or that reasonable effort has been made in the opinion of the court to cause the parent, such other person or the child to be notified. 1975, c. 1, s. 17 (3), *amended.* Notice

(8) A child who is, Notice to child

(*a*) ten or more years of age is entitled to notice under subsection 7 unless the court is satisfied that the effect of the hearing or any part thereof would be injurious to the emotional health of the child, in which case the court may direct that the child not be served with the notice; or

(*b*) under ten years of age is not entitled to notice under subsection 7 unless the court decides that the child is entitled to be present at the hearing under clause *b* of section 33.

(9) A foster parent who is given notice under subsection 7 is entitled to make representations to the court and to be represented by counsel at the hearing, but shall take no further part in the hearing without leave of the court. Foster parent at hearing

(10) The court's right to receive evidence in any hearing under this Part shall not be restricted by the content of any notice given or application made in writing with respect to the proceedings and the court may without requiring notice to be given, unless it considers further notice to be necessary in the circumstances, make an order at any stage in a proceedings amending such notice or application. *New.* Amendments

Court may dispense with notice

(11) Where, in the opinion of the court, prompt service of any notice required under subsection 7 of this section or subsection 6 of section 23 cannot be effected and any delay might endanger the health or safety of the child, the court may dispense with the requirements of those subsections. R.S.O. 1970, c. 64, s. 25 (7); 1975, c. 1, s. 17 (6), *amended.*

Limitation where notice dispensed with

(12) Where the requirements of subsection 7 have been dispensed with pursuant to subsection 11, the court shall not make an order committing the child as a ward of the Crown or make an order committing the child as a ward of a society for a period exceeding thirty days, except after holding a further hearing, and the requirements of subsection 7 apply to such further hearing. R.S.O. 1970, c. 64, s. 25 (8); 1975, c. 1, s. 17 (7), *amended.*

Custody during adjournment

(13) A court may from time to time adjourn a hearing but no such adjournment shall, subject to subsection 14 and subsection 1 of section 29, be for more than thirty clear days, and pending final disposition of the hearing,

(*a*) where a society shows cause why the child should remain or should be placed, as the case may be, in the temporary care and custody of the society, the court shall order that the child remain or be placed in the temporary care and custody of the society; or

(*b*) where sufficient cause has not been shown why the child should remain or be placed, as the case may be, in the temporary care and custody of a society, the court shall order that the child be returned to or remain in the care and custody of the parent or other person in whose charge the child was immediately prior to,

(i) the child's detention, or

(ii) the production of the child before the court by the parent or other person,

unless the court is satisfied that some other order for care and custody of the child should be made, in which case, the court may make such other order for the temporary care and custody of the child as the court considers advisable pending final disposition of the hearing, except an order placing the child in a training school established under *The Training Schools Act,* or placing the child in an observation and detention home established or designated

R.S.O. 1970, cc. 467, 369

under *The Provincial Courts Act* that has not been designated under this Act as a place of safety. R.S.O. 1970, c. 64, s. 25 (10); 1973, c. 75, s. 1, *amended*.

Longer period of adjournment

(14) The court having regard to all the circumstances of the case and with the consent of the parties may adjourn a hearing under subsection 13 for a period longer than thirty days, and, where the court grants such longer period of adjournment, the order for adjournment shall contain the court's reasons for granting such longer period.

Variation or termination of order

(15) Where the court is satisfied that cause has been shown why a change in the arrangements for the care and custody of the child should be made, the court may vary or terminate any order for care and custody made under subsection 13.

Standard of proof

(16) For the purpose of determining under subsection 13 or 15 whether a child shall remain or be placed in the temporary care and custody of a society, the court may receive and base its decision upon evidence that the court considers credible and trustworthy in the circumstances. *New*.

Application

(17) The provisions of this section apply with necessary modifications to proceedings under subsections 1 and 4 of section 32, section 35, section 37 and subsections 1 and 2 of section 38. 1972, c. 109, s. 4 (2), *amended*.

Order for assessment

29.—(1) Where a child has been found to be a child in need of protection pursuant to section 28, a court may order the child and any parent of the child or other person, except a foster parent caring for the child on behalf of a society, in whose charge the child has been or may be, to attend for an assessment before a person or persons specified in the order and who in the opinion of the court are qualified to perform medical, emotional, developmental, psychological, educational or social assessments and who have consented to perform the assessments and within a time specified therein, and the person or persons making the assessments shall report the results thereof in writing to the court within thirty days of the order or within such longer period of time as the court may direct.

Report

(2) The court shall provide a copy of the report of the assessment to,

(*a*) subject to subsection 3, any person who is the subject of the assessment;

(*b*) counsel or the agent on the record for the child;

(*c*) a parent appearing at the hearing or the parent's counsel or agent on the record; and

(*d*) the society that is a party to the proceedings,

and the court shall at any time upon request order a copy of the report to be provided to a Director, and the court may at any time order a copy of the report to be provided to any other person for the purpose of the case as the court may direct.

Idem

(3) A child who is the subject of the assessment and who is,

(*a*) ten or more years of age shall be provided with a copy of the report unless the court is satisfied that the effect of the contents of all or any part of the report would be injurious to the emotional health of the child, in which case the court may withhold all or any part of the report from the child; or

(*b*) under ten years of age shall not be provided with a copy of the report pursuant to subsection 2, unless the court considers it reasonable in the circumstances that the child receive the report or any part thereof.

Idem

(4) The report of the assessment shall form part of the court record in the case but shall not be admissible in evidence for any purpose in any other proceedings except in proceedings,

(*a*) by way of appeal under section 43;

1972, c. 98

(*b*) under *The Coroners Act, 1972*; or

(*c*) referred to section 51,

without the consent of the person or persons who are the subject of the assessment.

Inference from refusal

(5) Where a person who has been ordered under subsection 1 to attend for an assessment refuses to attend or to undergo the assessment, the court may draw such inferences relating to the placement of the child as it thinks appropriate. *New*.

30.—(1) Where a court finds a child to be a child in need of protection pursuant to section 28, the court shall make the one of the following orders that the court considers to be in the best interests of the child, namely: Order where child in need of protection

1. That the child be placed with or returned to the child's parent or other person, subject to supervision by the society having jurisdiction in the area where the judge hearing the case presides at the time of the hearing, for a period of not less than six months and not more than twelve months as in the circumstances of the case the court considers advisable.

2. That the child be made a ward of and committed to the care and custody of the society having jurisdiction in the area where the judge hearing the case presides at the time of the hearing, for such period, not exceeding twelve months, as in the circumstances of the case the court considers advisable.

3. That the child be made a ward of the Crown until the wardship is terminated under section 38 or expires under section 42 and that the child be committed to the care of the society having jurisdiction in the area where the judge hearing the case presides at the time of the hearing. R.S.O. 1970, c. 64, s. 26; 1973, c. 75, s. 2, *amended*.

(2) Where a provincial judge has committed a child to the charge of a society under paragraph *h* of subsection 1 of section 20 of the *Juvenile Delinquents Act* (Canada), the child shall be deemed to be committed to the society under paragraph 2 of subsection 1, Period of committal R.S.C. 1970, c. J-3

(*a*) where the order is for a fixed period that does not exceed twelve months, for the period specified in the order; or

(*b*) where the order is for an indefinite period or exceeds twelve months, for twelve months.

(3) A provincial judge shall give reasonable notice to a society before committing a child to the charge of the society under paragraph *h* of subsection 1 of section 20 of the *Juvenile Delinquents Act* (Canada). 1975, c. 1, s. 18, *amended*. Notice

(4) In making an order under paragraph 1 of subsection 1, the court may impose reasonable terms and conditions, relating to the method of supervision of the child, Terms and conditions

(*a*) upon the person with whom the child has been placed or returned, as the case may be;

(*b*) upon the supervising society;

(*c*) upon the child; and

(*d*) upon any other person where the person has been afforded an opportunity to be heard.

Determination of order

(5) In determining which order to make under subsection 1, the court shall inquire of the parties whether any efforts have been made by a society or any other agency or person to assist the child while the child was in the care of his or her parent or other person and before the child came into the care of the society. *New.*

Payment by parent

31.—(1) Subject to subsection 3, where a child is found to be a child in need of protection and,

(*a*) is committed to the care of a society; or

(*b*) is placed with a person other than the child's parent subject to supervision by a society,

the court may order a parent or the estate of a parent to pay the society such an amount and at such intervals as the court considers proper for each day the child is in the care or under the supervision, as the case may be, of the society.

Determination of amount

(2) In determining the amount if any that shall be paid to the society under subsection 1, the court shall have regard to the following circumstances of the parent or the estate of the parent and of the child that the court considers relevant,

(*a*) the assets and means of the child and of the parent or the estate of the parent;

(*b*) the capacity of the child to provide for the child's own support;

(*c*) the capacity of the parent or the estate of the parent to provide support;

(*d*) the age and the physical and mental health of the child and of the parent;

(*e*) the mental, emotional and physical needs of the child;

(*f*) the legal obligation of the parent or the estate of the parent to provide support for any other person;

(*g*) the child's aptitude for and reasonable prospects of obtaining an education;

(*h*) any other legal right of the child to support other than out of public moneys.

Idem

(3) An order made under subsection 1 shall not extend beyond the date when the child attains the age of eighteen years.

Varying payments by parent

(4) A court may vary or rescind the order under subsection 1 where the circumstances of the child or the parent have changed. 1975, c. 1, s. 19 (1), *amended*.

Agreement to collect payments

(5) The council of a municipality may enter into an agreement with the board of directors of a society providing for the collection by the municipality on behalf of the society of the payments of the amounts required to be paid by the parent under subsection 1. R.S.O. 1970, c. 64, s. 27 (3).

Enforcement of order

1978, c. 2

(6) An order made against a parent under subsection 1 may be enforced in the same manner as an order made under Part II of *The Family Law Reform Act, 1978*. R.S.O. 1970, c. 64, s. 27 (4), *amended*.

Application to review supervision order

32.—(1) Subject to subsections 6 and 7, where a child has been placed under the supervision of a society pursuant to an order made under paragraph 1 of subsection 1 of section 30, the society may at any time and shall, before the expiration of the period of supervision and upon giving notice to the child, the parent or any person having actual custody of the child, apply to a court for a review of the child's status and the court shall thereupon further inquire and determine whether the circumstances justify the variation or termination of any term or condition of the order relating to the method of supervision of the child or a further order under subsection 1 of section 30 and may, having regard to the best interests of the child, vary or terminate any term or condition in the order relating to the method of supervision of the child, terminate the order or make a further order under this Part.

Time limit for application

(2) A society shall, as soon as is practicable, and within five days of removing a child from the parent or person with whom the child has been placed pursuant to an order under paragraph 1 of subsection 1 of section 30 apply to a court for a review of the child's status under subsection 1.

Jurisdiction of court

(3) An application under subsection 1 or 4 may be heard by the court in the county or district in which the parent or other person with whom the child was placed pursuant to the order made under paragraph 1 of subsection 1 of section 30 resides at the time of the application.

Idem

(4) Where a child has been placed under the supervision of a society, pursuant to an order made under paragraph 1 of subsection 1 of section 30, a parent of the child, a person other than a parent with whom a child is placed or to whom a child is returned or the child where the child is twelve or more years of age may, after the expiration of six months from the making of the order or from the disposition of any previous application under this section for a review of the child's status, whichever is later, and upon giving notice to the society, apply to a court for a review of the child's status and,

(*a*) where the court is satisfied that the termination of the order or the variation or termination of any term or condition of the order relating to the method of supervision of the child is in the best interests of the child, the court may terminate the order or vary or terminate such term or condition of the order; or

(*b*) the court may make such further order under this Part as the court considers is in the best interests of the child. 1975, c. 1, s. 19 (2), *amended*.

Notice

(5) Subject to subsection 7, where a notice is given to the society under subsection 4,

(*a*) by a parent of the child, the society shall forthwith upon receipt of the notice cause notice of the application to be given to the child, to any other parent of the child, and where applicable to the person other than a parent with whom the child is placed or to whom the child is returned;

(*b*) by a person other than a parent, the society shall forthwith upon receipt of the notice cause notice of the application to be given to a parent of the child and the child; or

(*c*) by the child, the society shall forthwith upon receipt of the notice cause notice of the application to be given to a parent of the child and where applicable to the person other than a parent with

whom the child is placed or to whom the child is returned. *New.*

(6) Notwithstanding paragraph 1 of subsection 1 of section 30, an application under subsection 1 may be made by the society having jurisdiction in the area where the parent or other person with whom the child was placed resided immediately prior to the application being made and, where the court makes an order, that society shall be given supervision or committal of the child, as the case may be. 1975, c. 1, s. 19 (2), *amended.*

Jurisdiction of society

(7) A child who is,

Notice to child

(*a*) ten or more years of age is entitled to notice under subsection 1, and where applicable under subsection 5, unless the court is satisfied that the effect of the hearing or any part thereof would be injurious to the emotional health of the child, in which case the court may direct that the child not be served with the notice; or

(*b*) under ten years of age is not entitled to notice under subsection 1, and where applicable under subsection 5, unless the court decides that the child is entitled to be present at the hearing under clause *b* of section 33. *New.*

33. The court shall, in every proceeding under this Part, make an order directing whether any child who is the subject of the proceedings shall be excluded from or be present at the hearing or any part thereof and in making an order under this section there shall be a presumption that,

Presence of child at hearing

(*a*) a child ten or more years of age is entitled to be present at any hearing that is part of the proceedings unless the court is satisfied that the effect of the hearing or any part thereof would be injurious to the emotional health of the child; or

(*b*) a child under ten years of age shall not be present at any hearing that is part of the proceedings unless the court is satisfied that the hearing or any part thereof would be understandable to the child and not be injurious to the emotional health of the child. *New.*

34. Notwithstanding section 129 of *The Judicature Act* and with the leave of the court hearing an application under this Part, any step may be taken in the application, the

Proceedings at any time or on a holiday

R.S.O. 1970, c. 228

hearing may be held and the order may be made and performed at any time of any day, including a holiday. R.S.O. 1970, c. 64, s. 28.

Access to child

35.—(1) Subject to subsections 2, 3, 5 and 6 and subsection 7 of section 38,

(*a*) a parent of a child where the child is in the care or custody of a society or with whom the child is placed or to whom the child is returned subject to supervision by a society, upon giving notice to the society;

(*b*) a person other than a parent, with whom a child is placed or to whom a child is returned subject to supervision by a society, upon giving notice to the society;

(*c*) a child twelve or more years of age and who is in the care and custody or under the supervision of a society, upon giving notice to the society;

(*d*) a society having care and custody or supervision of a child upon giving notice to any foster parent who immediately prior to the application has been caring for the child on behalf of the society for more than six months, to any parent of the child, to any person with whom the child is placed or to whom the child is returned subject to supervision of a society, as the case may be, and to the child,

may, at any time after the commencement of proceedings under this Part respecting the child and whether before or after the making of an order under this Part, apply to a court for an order regarding the right of access to the child.

Idem

(2) No order regarding the right of access to a person over the age of sixteen years shall be made under subsection 4.

Idem

(3) No application under subsection 1 shall be made by a person referred to in clause *a*, *b* or *c* of that subsection before the expiration of six months from the date of any previous application under that subsection by such person. *New*.

Idem

(4) Upon an application therefor in accordance with subsection 1, or at the time of making any other order under this Part, a court, having regard to the best interests of the child shall consider whether or not an order regarding

the right of access to the child shall be made, altered, varied or discharged and may make such order as the court considers proper regarding the right of access to the child by any person or may alter, vary or discharge, any order so made. R.S.O. 1970, c. 64, s. 29, *amended*.

Notice may be dispensed with

(5) A child who is,

(*a*) ten or more years of age is entitled to notice under subsection 1 and where applicable under subsection 6, unless the court is satisfied that the effect of the hearing or any part thereof would be injurious to the emotional health of the child, in which case the court may direct that the child not be served with the notice; or

(*b*) under ten years of age is not entitled to notice under subsection 1 and where applicable under subsection 6, unless the court decides that the child is entitled to be present at the hearing under clause *b* of section 33.

Notice

(6) Subject to subsection 5, where a notice is given to the society under,

(*a*) clause *a* of subsection 1, the society shall forthwith upon receipt of the notice, cause notice of the application to be given to any foster parent who immediately prior to the application has been caring for the child on behalf of the society for more than six months, to the child and to any other parent of the child; or

(*b*) clause *b* of subsection 1, the society shall forthwith upon receipt of the notice cause notice of the application to be given to the parent of the child and to the child; or

(*c*) clause *c* of subsection 1, the society shall forthwith upon receipt of the notice, cause notice of the application to be given to any foster parent who immediately prior to the application has been caring for the child on behalf of the society for more than six months, to a parent of the child or to any other person with whom the child is placed or to whom the child is returned subject to supervision by a society, as the case may be. *New*.

Contents of decision

36. The reasons for any decision made by a court under this Part may be oral or written and shall include,

(*a*) a statement of the evidence upon which the decision of the court is based;

(*b*) in the case of a decision granting or renewing an order under paragraph 1 of subsection 1 of section 30 or varying any term or condition of the order, a statement of any terms and conditions imposed by the court;

(*c*) in the case of a decision granting or refusing,

(i) an order under paragraph 1, 2 or 3 of subsection 1 of section 30,

(ii) an order for the renewal or termination of any existing order under paragraph 1 or 2 of subsection 1 of section 30 or for the termination of any existing order under paragraph 3 of subsection 1 of section 30, or

(iii) an order varying any term or condition of any existing order under paragraph 1 of subsection 1 of section 30,

a statement of the plan proposed by a society or of a plan, if any, proposed by a parent of the child to meet the best interests of the child, but nothing in this section shall require the court to identify in the statement any person caring for the child during the period of any proposed placement or identify any place where the care is to be provided; and

(*d*) a statement of the reasons for the decision, and, in the case of an order authorizing the removal of a child from or refusing to return the child to the parent or person in whose charge the child was immediately prior to the child's apprehension by a society, the statement shall include reasons why the child cannot be adequately protected without such removal or without the refusal of such return, as the case may be. R.S.O. 1970, c. 64, s. 30, *amended*.

Application to review society wardship

37.—(1) Subject to subsection 4, where a child has been committed as a ward of a society pursuant to an order made under paragraph 2 of subsection 1 of section 30, the society may at any time and shall, before the expiration of the period of wardship, other than under section 42, and upon

giving notice to the child, the parent of the child and any foster parent who immediately prior to the application has been caring for the child on behalf of the society for a continuous period of more than six months, apply to a court for a review of the child's status and the court shall thereupon further inquire and determine whether the circumstances justify a further order under subsection 1 of section 30 and may, having regard to the best interests of the child, terminate the order or make a further order under this Part but in no case shall an order be made that results in the child being in the care and custody of a society,

(*a*) as a ward of the society;

(*b*) pursuant to an agreement under section 25; or

(*c*) pursuant to an order for adjournment made under subsection 13 of section 28 or any extension thereof,

or as a result of any combination of circumstances referred to in clauses *a*, *b* and *c*, for a continuous period of more than twenty-four months. R.S.O. 1970, c. 64, s. 31; 1973, c. 75, s. 4, *amended*.

Idem

(2) Subject to subsections 4 and 5, where a child has been committed as a ward of a society pursuant to an order made under paragraph 2 of subsection 1 of section 30,

(*a*) a parent of the child after the expiration of six months from the making of the order or from the disposition of any previous application for a review of the child's status, whichever is later, and upon giving notice to the society having the care of the child; or

(*b*) the child, where the child is twelve or more years of age, after the expiration of six months from the making of the order or from the disposition of any previous application for a review of the child's status, whichever is later, and upon giving notice to the society having the care of the child,

may apply to a court for a review of the child's status and,

(*c*) where the court is satisfied that the termination is in the best interests of the child, the court may terminate the order; or

(*d*) the court may make such further order under this Part as the court considers necessary in the

best interests of the child, but in no case shall an order be made that results in the child being in the care and custody of a society,

(i) as a ward of the society,

(ii) pursuant to an agreement under subsection 1 of section 25, or

(iii) pursuant to an order for adjournment made under subsection 13 of section 28 or any extension thereof,

or as a result of any combination of circumstances referred to in subclauses i, ii and iii, for a continuous period of more than twenty-four months. 1975, c. 1, s. 20, *amended*.

Extension of limitation period

(3) Notwithstanding subsections 1 and 2, where, on an application under subsection 1 or 2 for a review of the child's status, the hearing is adjourned to a date beyond the twenty-four month period prescribed in those subsections, the order to be reviewed shall not expire at the end of such period but shall be extended until an order pursuant to subsection 1 or 2 has been made. *New*.

Notice may be dispensed with

(4) A child who is,

(*a*) ten or more years of age is entitled to notice under subsection 1 and where applicable under subsection 5, unless the court is satisfied that the effect of the hearing or any part thereof would be injurious to the emotional health of the child, in which case the court may direct that the child not be served with the notice; or

(*b*) under ten years of age is not entitled to notice under subsection 1 and where applicable under subsection 5, unless the court decides that the child is entitled to be present at the hearing under clause *b* of section 33. *New*.

Notice

(5) Subject to subsection 4, where a notice is given to the society under,

(*a*) clause *a* of subsection 2, the society shall forthwith, upon receipt of the notice, cause notice of the application to be given to any foster parent who immediately prior to the application has been caring for the child on behalf of the society for more than six months, to the child and to any other parent of the child; or

(*b*) clause *b* of subsection 2, the society shall forthwith, upon receipt of the notice, cause notice of the application to be given to a parent of the child and to any foster parent who immediately prior to the application has been caring for the child on behalf of the society for more than six months.

Custody of child

(6) Notwithstanding subsections 13 and 15 of section 28, where an application is made under this section for a review of the child's status, the child shall remain in the care and custody of the society having care and custody of the child at the time the application was made pending final disposition of the application by the court unless cause is shown why a change in the arrangements for the care and custody of the child should be made. *New*.

Application to review Crown wardship

38.—(1) Subject to subsections 3, 4, 5 and 6, where a child has been committed as a ward of the Crown, pursuant to an order made under paragraph 3 of subsection 1 of section 30,

(*a*) a parent of the child after the expiration of six months from the making of the order of Crown wardship or from the disposition of any previous application under this section, whichever is later, and upon giving notice to a Director and the society having the care of the child; or

(*b*) the child, where the child is twelve or more years of age, after the expiration of six months from the making of the order of Crown wardship or from the disposition of any previous application under this section, whichever is later, and upon giving notice to the society having the care of the child,

may apply to a court for a review of the child's status, and, where the court is satisfied that termination is in the best interests of the child, the court shall, subject to subsection 7, order that the Crown wardship be terminated or, having regard to the best interests of the child, the court may make such other order under this Part, except an order under paragraph 2 of subsection 1 of section 30, that the court considers necessary and the court may include with any order made under this subsection an order granting or terminating the right of access to the child pursuant to section 35. *New*.

Idem

(2) Subject to subsections 3, 4 and 5, where a child has been committed as a ward of the Crown, pursuant to an order made under paragraph 3 of subsection 1 of section 30, the society having the care of the child upon giving notice to a

Director, any foster parent who immediately prior to the application has been caring for the child on behalf of the society for more than six months, any parent of the child and the child, may, at any time during the period of the Crown wardship, apply to a court for a review of the child's status, and, where the court is satisfied that termination is in the best interests of the child, the court shall, subject to subsection 7, order that the Crown wardship be terminated or, having regard to the best interests of the child, the court may make such other order under this Part, except an order under paragraph 2 of subsection 1 of section 30, that the court considers necessary and the court may include with any order made under this subsection an order granting or terminating the right of access to the child pursuant to section 35.

Notice not required

(3) A notice is not required to be given under subsections 1 and 2 to a parent of the child where the child has attained the age of sixteen years. 1975, c. 1, s. 21, *amended*.

Notice may be dispensed with

(4) A child who is,

(*a*) ten or more years of age is entitled to notice under subsections 1 and 2 and where applicable under subsection 6, unless the court is satisfied that the effect of the hearing or any part thereof would be injurious to the emotional health of the child, in which case the court may direct that the child not be served with the notice; or

(*b*) under ten years of age is not entitled to notice under subsections 1 and 2 and where applicable under subsection 6, unless the court decides that the child is entitled to be present at the hearing under clause *b* of section 33. *New*.

Termination of access

(5) Before making an order under subsection 1 or 2 terminating an order for access to the child made pursuant to section 35, the court shall consider whether the benefit to the child of any plan proposed for the child, including plans for seeking an adoption placement for the child, outweighs the benefit to the child of maintaining the access rights.

Notice

(6) Subject to subsection 4, where a notice is given to the society under,

(*a*) clause *a* of subsection 1, the society shall, forthwith upon receipt of the notice, cause notice of the application to be given to any foster parent who immediately prior to the application has been caring for the child on behalf of the society for more

than six months, to the child and to any other parent of the child; or

(*b*) clause *b* of subsection 1, the society shall forthwith, upon receipt of the notice, cause notice of the application to be given to a Director, to a parent of the child and to any foster parent who immediately prior to the application has been caring for the child on behalf of the society for more than six months. *New.*

Crown wardship to remain in effect

(7) Subject to sections 39 and 42, where a child has been committed as a ward of the Crown, the order made under paragraph 3 of subsection 1 of section 30 shall remain in effect and the Crown wardship shall, subject to an adoption order being made with respect to the child under Part III, not be terminated by, reviewed in or otherwise brought before the court and an order of access to the child shall not be made or applied for where the child has been placed for the purpose of adoption in the home of a person who has been approved by a society or by a Director as a suitable person to adopt the child and while the child is residing in that person's home.

When placement for adoption may be made

(8) The placement for the purpose of adoption of the child referred to in subsection 7 shall not be made until any appeal under section 43, from,

(*a*) the decision granting an order of Crown wardship; or

(*b*) any decision granting or refusing an order under subsection 1 or 2,

has finally been disposed of, or until,

(*c*) the period of time for commencing an appeal under section 43 from a decision referred to under clause *a* or *b* has expired; or

(*d*) any outstanding order of access to the child under this Act has been terminated,

whichever is the later. R.S.O. 1970, c. 64, s. 32 (2, 3), *amended.*

Custody of child

(9) Notwithstanding subsections 13 and 15 of section 28, where an application is made under this section for a review of the child's status, the child shall remain in the care and custody of the society having care and custody of the child at the time the application was made pending final disposition of the application by the court unless cause is

shown why a change in the arrangements for the care and custody of the child should be made. *New.*

Review by Director

39. A Director or any person authorized by the Director shall, during each calendar year beginning in the year 1979, review the status of each child who during that calendar year and, in the absence of any further order by the court has been or will continue to be a Crown ward for a continuous period of twenty-four months from the date of the order of Crown wardship or from the last review under this subsection, whichever is later, and the Director may after any such review direct the society having care of the child to make an application pursuant to subsection 2 of section 38 to a court for a review of the child's status. *New.*

Duties re Crown wards

40.—(1) The Crown has and shall assume all the rights and responsiblities of a legal guardian of each child who is made a ward of the Crown for the purpose of the child's care, custody and control, and the powers, duties and obligations of the Crown in respect of the child other than the powers, duties and obligations assigned to a Director by this Act shall be exercised and discharged by the society having the care of the child.

Transfer of Crown ward

(2) A Director may direct that a Crown ward be transferred to the care of any other society or institution designated by the Director. R.S.O. 1970, c. 64, s. 33, *amended.*

Society to be legal guardian

41. Each society has and shall assume all the rights and responsibilities of a legal guardian of every child who is committed as a ward of the society for the purpose of their care, custody and control. R.S.O. 1970, c. 64, s. 34, *amended.*

Expiration of wardship

42. Every order under this Part shall be deemed to expire with the marriage of the child who is the subject of the order or when the child attains the age of eighteen years, but where a wardship expires as a result of a Crown ward attaining the age of eighteen years, a society may, with the approval of a Director, continue to provide care and maintenance for the former Crown ward if the former Crown ward,

(*a*) is enrolled as a full-time student at an educational institution; or

(*b*) is mentally or physically incapacitated,

for any period of time after the expiration of the wardship that does not extend beyond the date when the former Crown ward attains the age of twenty-one years. 1972, c. 109, s. 5 (1), *amended.*

43.—(1) A decision granting or refusing an order of a court under this Part except a decision made under subsection 1 of section 29 in respect of a child may be appealed to the county or district court of the county or district in which the decision was made by, Appeal to county court

(*a*) a parent or other person in whose charge the child may have been at the time of the child's apprehension;

(*b*) a Director or local director; or

(*c*) a next friend on behalf of the child. 1975, c. 1, s. 22, *amended*.

(2) Execution of the decision being appealed shall be stayed for ten days next following the service of the notice of appeal upon the court that made the decision being appealed, and, where the child is in the custody of the society at the time the decision being appealed is made, the child shall remain in the care and custody of the society, Decision stayed

(*a*) during the ten days that execution of the decision is stayed; or

(*b*) until the county or district court of the county or district in which the decision was made makes an order for temporary care and custody of the child pursuant to subsection 4,

whichever is earlier.

(3) Notwithstanding subsection 2, where the decision being appealed authorizes the child to remain in the care and custody of the society, the child shall, subject to subsection 4, remain in the care and custody of the society after the period of ten days referred to in subsection 2, pending final disposition of the appeal. *New*. Child to remain with society

(4) Where the county or district court of the county or district in which the decision being appealed was made is satisfied that an order for care and custody of the child is in the best interests of the child, the county or district court may make such order for the temporary care and custody of the child that the county or district court considers advisable pending final disposition of any appeal made under this section, except an order placing the child in a training school established under *The Training Schools Act* or placing the child in an observation and detention home established or designated under *The Provincial Courts Act* that has not been designated under this Act as a place of safety, and the county or district court may, upon application by any party before the final disposition of the appeal and where the county or district court is satisfied that it is in the best interests of the Temporary order of court R.S.O. 1970, cc. 467, 369

child, vary or terminate the order or make a further such order.

Period of temporary wardship

(5) Where, pursuant to the final disposition of the appeal, the child is committed as a ward of the society, any period of temporary care and custody ordered under subsection 4 shall be included in determining the twenty-four month period prescribed in subsection 1 or 2 of section 37.

Extension of limitation period

(6) Notwithstanding subsection 5 and subsections 1 and 2 of section 37, where on an appeal under this section from a decision granting an order under paragraph 2 of subsection 1 of section 30 or an order for the renewal or termination of an order under that paragraph, the final disposition of the appeal extends beyond the twenty-four month period prescribed in subsection 1 or 2 of section 37, the order being appealed shall not expire at the end of such period but shall be extended until a final disposition is made of the appeal.

Extension of time for appeal

(7) No extension of the time for the commencement of the appeal shall be granted after the child has been placed for adoption. *New.*

New evidence

(8) On the hearing of the appeal and with leave of the county or district court hearing the appeal, further evidence relating to matters both preceding and subsequent to the making of the decision being appealed, may be received either by affidavit, oral examination or as may be directed by the county or district court. 1975, c. 1, s. 22, *amended.*

Presumption as to religious faith

44.—(1) Subject to subsection 2, for the purposes of this section, a child shall be deemed to have the same religious faith as the child's father unless it is shown that an agreement has been entered into in writing, signed by the child's parents, that the child be brought up in the same religious faith as the child's mother.

Child born outside marriage

(2) For the purposes of this section, a child born outside marriage shall be deemed to have the religious faith of the child's mother.

Where established faith not that of parent

(3) Where a child is being raised in a religious faith other than the child's religious faith as determined under subsection 1 or 2 or where the child's religious faith cannot be readily determined under subsection 1 or 2, the court may determine the child to have such religious faith, if any, for the purposes of this section, as the court considers proper in the circumstances.

Religious faith of child

(4) A Protestant child shall not be committed under this Part to the care of a Roman Catholic society or institution and a Roman Catholic child shall not be committed under this Part to a Protestant society or institution, and a

Protestant child shall not be placed in a foster home with a Roman Catholic family and a Roman Catholic child shall not be placed in a foster home with a Protestant family, and, where a child committed under this Part is other than Protestant or Roman Catholic, the child shall be placed where practicable with a family of the child's own religious faith, if any.

Where only one society

(5) Subsection 4 does not apply to the commitment of a child to the care of a society in a municipality in which there is only one society.

Application to waive subs. 4

(6) Where a society,

(*a*) is unable to place a child in a suitable foster home within a reasonable time because of the operation of subsections 1 to 4; and

(*b*) would be able to place the child in a suitable foster home but for the operation of subsections 1 to 4,

the society or a Director may apply to the court who may order that subsection 4 does not apply to the child in respect of the placement.

Child's wishes to be consulted

(7) Notwithstanding anything in this section, the court may have regard to the wishes of the child in determining what order ought to be made as to the child's religious faith. R.S.O. 1970, c. 64, s. 37, *amended*.

Society may place ward

45.—(1) A child who is a ward of the Crown or of a society may be placed by the society for any period of time in a foster home or other suitable place according to the needs of the child and the society shall ensure that the child so placed receives an education in accordance with the laws of Ontario and in keeping with the child's intellectual capacity and that provision is made for the child's occupational training and total development such as a good parent would provide for his or her own child.

Removal of ward of society

(2) A child who is a ward of the Crown or of a society and who has been placed in a foster home or other suitable place may at any time be removed by the society when, in the opinion of a Director or the local director, the welfare of the child so requires.

Adoption of ward

(3) Where a child who is a ward of the Crown is placed in a foster home and, in the opinion of the local director with the approval of a Director, it is in the best interests of the child to place the child for adoption, the foster parents shall not be denied the opportunity of making application to adopt the child if they so desire. R.S.O. 1970, c. 64, s. 38, *amended*.

Interference with wards, etc.

46. No person shall,

(*a*) induce or attempt to induce a child to leave the care of a person or persons with whom the child is lawfully placed; or

(*b*) detain or harbour a child who is lawfully in the care of a person or persons, after a demand is made by a person authorized to require the child to be delivered up; or

(*c*) subject to section 35, visit, write to, telephone to, communicate with, remove or attempt to remove from any place, or otherwise interfere with a child who is in the lawful care or custody of a society; or

(*d*) subject to section 35, visit, write to, telephone to or communicate with, for the purpose of interfering with the child, a foster parent of a child where the child is in the lawful care or custody of a society,

without the consent in writing of the society having the care, custody or supervision of the child. R.S.O. 1970, c. 64, s. 39, *amended*.

Interpretation

47.—(1) For the purposes of this section and sections 49, 50, 51 and 52, "abuse" means a condition of,

(*a*) physical harm;

(*b*) malnutrition or mental ill-health of a degree that if not immediately remedied could seriously impair growth and development or result in permanent injury or death; or

(*c*) sexual molestation. *New*.

Desertion, abuse, etc., of child

(2) No person having the care, custody, control or charge of a child shall abandon or desert the child or inflict abuse upon the child or permit the child to suffer abuse.

Further proceedings as to child

(3) A court may, in connection with any case arising under subsection 2, hold a hearing in respect of any child concerned and may proceed as though the child had been brought before the court as a child apparently in need of protection. R.S.O. 1970, c. 64, s. 40, *amended*.

Leaving child

48.—(1) No person having the care, custody, control or charge of a child shall leave the child without making reasonable provision, in the circumstances, for the supervision, care or safety of the child.

(2) A court may in connection with any case arising under subsection 1 hold a hearing in respect of any child concerned and may proceed as though the child had been brought before the court as a child apparently in need of protection. R.S.O. 1970, c. 64, s. 40, *amended*. Further proceedings as to child

(3) Where a person is charged with contravening subsection 1, the onus of establishing that reasonable provision was made in the circumstances for the supervision, care or safety of the child where the child is under the age of ten years, rests with the person charged. *New*. Onus

49.—(1) Every person who has information of the abandonment, desertion or need for protection of a child or the infliction of abuse upon a child shall forthwith report the information to a society. R.S.O. 1970, c. 64, s. 41 (1), *amended*. Reporting abuse of child

(2) Notwithstanding the provisions of any other Act, every person who has reasonable grounds to suspect in the course of the person's professional or official duties that a child has suffered or is suffering from abuse that may have been caused or permitted by a person who has or has had charge of the child shall forthwith report the suspected abuse to a society. *New*. Duty of professional to report

(3) This section applies notwithstanding that the information reported is confidential or privileged and no action for making the report shall be instituted against any person who reports the information to a society in accordance with subsection 1 or 2 unless the giving of the information is done maliciously or without reasonable grounds to suspect that the information is true. R.S.O. 1970, c. 64, s. 41 (2), *amended*. Privilege abolished

(4) Nothing in this section shall abrogate any privilege that may exist between a solicitor and the solicitor's client. *New*. Solicitor and client privilege

50.—(1) Subject to the provisions of subsection 4 with respect to section 26*a* of *The Mental Health Act* and notwithstanding the provisions of any other Act, where the applicant satisfies the court, Access to records, etc. R.S.O. 1970, c. 269

(*a*) that there are reasonable and probable grounds to believe that there are records, writings or documents at any place that are relevant to an investigation to determine whether abuse has been or is likely to be inflicted on a child; and

(*b*) that a request by a Director, a local director of a society or a person authorized by the Director or by the local director to inspect such records,

writings or documents has been refused by the custodian of the records, writings or documents,

the court upon application by the Director or the society, as the case may be, and upon notice of the application being given to the custodian of the records, writings or documents, may, subject to subsection 2, make an order for the production by the custodian thereof of any of the records, writings or documents or any part or parts thereof that the court considers are relevant to an investigation to determine whether the abuse has been or is likely to be inflicted on the child, to the Director or the local director or person authorized by the Director or the local director, as the case may be, and the Director, local director or the person may inspect and extract information from such records, writings or documents or part or parts thereof that are designated in the order and reproduce such copies therefrom as the Director, local director or the person, as the case may be, considers necessary.

Non-disclosure of records, etc.

(2) The records, writings or documents or any part or parts thereof that are produced or disclosed to the court in the course of a hearing held to determine whether an order should be made under subsection 1 for the production of the records, writings or documents or any part or parts thereof, shall not be disclosed to any person except pursuant to and in accordance with any order made following the hearing under subsection 1.

Idem

(3) No person who obtains information pursuant to an order made under subsection 1 shall disclose or transmit or permit the disclosure or transmission of the information except for the purpose of the investigation to determine whether the child is in need of protection or for giving evidence in proceedings under this Part.

Matters to be considered by court R.S.O. 1970, c. 269

(4) In determining whether to make an order under subsection 1 for the production of a clinical record within the meaning of section 26*a* of *The Mental Health Act*, the court shall give equal consideration to the matters to be considered under subsection 7 of section 26*a* of that Act and the health and safety of the child. *New.*

Action for recovery on behalf of child

51. Where the Official Guardian, or in the case of a child in the care of a society under paragraph 2 or 3 of subsection 1 of section 30, the society, is of the opinion that a child has a cause of action against a person or persons or other right of recovery by reason of the infliction of abuse upon the child and that the institution of proceedings to recover damages or other compensation would be in the best interests of the

child, the Official Guardian or the society, as the case may be, may institute and conduct such proceedings on behalf of the child in respect of the abuse suffered by the child.

52.—(1) In this section, Interpretation

(*a*) "Director" means an employee of the Ministry appointed by the Minister for the purposes of this section;

(*b*) "registered person" means a person named in or otherwise identifiable from the register established under subsection 3, but does not include the person or persons making the report to a society pursuant to subsection 1 or 2 of section 49 who are not themselves the subject of the report.

(2) Every society that receives information under section 49 concerning the abuse of a child, including a child in the care of a society, shall forthwith, after the information is verified in the manner determined by the Director, report the information to the Director in the prescribed form, and no action or other proceeding for damages shall be instituted against any officer or employee of a society for any act done in good faith in the execution or intended execution of any duty imposed on the society under this subsection or for any alleged neglect or default in good faith of such duty. Society to report information concerning abuse

(3) The Director shall maintain a register in the manner prescribed by the regulations for the purpose of recording information received by societies under section 49 concerning the abuse of children, but the register shall not contain any information that has the effect of identifying the person or persons making the report to a society pursuant to subsection 1 or 2 of section 49 unless such person or persons are themselves the subject of the report. Register

(4) Subject to subsections 5 to 10 and notwithstanding the provisions of any other Act, no person shall inspect, remove, disclose, transmit or alter or permit the inspection, removal, disclosure, transmission or alteration of information maintained in the register established under subsection 3. Information confidential

(5) A coroner, a legally qualified medical practitioner or police officer authorized in writing and directed by a coroner for the purposes of an investigation or inquest under *The Coroners Act, 1972* and the Official Guardian or a person duly authorized as the agent of the Official Guardian may inspect or remove the information maintained in the register established under subsection 3 and may disclose or transmit Exceptions 1972, c. 98

that information only in accordance with the authority vested in the person and in the case of the Official Guardian or his duly authorized agent only for the purposes of section 51.

Idem

(6) The Director and the following persons with the approval of the Director, and subject to such terms and conditions as the Director may impose, may inspect or remove or permit the inspection or removal of the information maintained in the register and may disclose or transmit or permit the disclosure or transmission of that information to any person referred to in subsection 5 or to any other person referred to in this subsection:

1. A person who is on the staff of,

   i. the Ministry,

   ii. a society, or

   iii. a child protection agency recognized by a jurisdiction outside Ontario.

2. A person who is or may be providing services or treatment to a registered person.

Idem

(7) A person who has the written approval of the Director and who is engaged in *bona fide* research may inspect the information referred to in subsection 4 but shall not use or communicate the information for a purpose other than research, academic pursuits or the compilation of statistical data and shall not communicate any information that has the effect of identifying any person named in the register.

Idem

(8) A registered person or the registered person's agent may inspect the information maintained in the register, but shall not inspect information that refers to persons other than the registered person.

Idem

(9) A legally qualified medical practitioner who is approved by the Director may inspect information referred to in subsection 4 that is approved by the Director.

Idem

(10) The Director or a person approved by the Director who is on the staff of the Ministry may expunge a name from the register or otherwise amend the register pursuant to a decision of the Director or as prescribed by the regulations.

Register inadmissible

(11) The register established under subsection 3 is inadmissible in evidence for any purpose in any proceedings, except,

(*a*) to prove compliance or non-compliance with any of the provisions of this section;

(*b*) in an appeal made under subsection 19;

(*c*) in proceedings under *The Coroners Act, 1972*; or 1972, c. 98

(*d*) in proceedings referred to in section 51.

Notice

(12) Where an entry is made in the register, the Director shall forthwith cause notice to be given in writing to each registered person included in the entry who is alleged or suspected to have inflicted abuse upon a child,

(*a*) that the person's name has been recorded in the register or that the person is otherwise identifiable from the register;

(*b*) that the person or the person's agent is entitled to inspect the information in the register that refers to or identifies the person; and

(*c*) that the person is entitled to request the Director to expunge the person's name from the register or to have the register otherwise amended.

Request for a hearing

(13) A person to whom a notice is given under subsection 12 may request the Director to expunge from the register the registered person's name referred to in the notice or to otherwise amend the register.

Hearing

(14) Where the Director receives a request under subsection 13, the Director shall hold a hearing before deciding to refuse the request to expunge the registered person's name from the register or to refuse the request to otherwise amend the register, and the provisions of *The Statutory Powers Procedure Act, 1971* apply, with necessary modifications, to the hearing. 1971, c. 47

Parties

(15) A registered person to whom notice is given under subsection 12, the society that received the information concerning the registered person under subsection 1 or 2 of section 49 and such other persons as the Director may specify are parties to the hearing.

Notice

(16) The Director shall cause notice of the hearing to be given to the parties to the hearing at least ten days before the hearing is held.

Decision of Director

(17) Where the Director, after holding a hearing, determines that the information in the register with respect to a

registered person should not be in the register or that the information is in error, the Director shall, subject to subsections 19 and 20, cause the registered person's name to be expunged from the register or otherwise cause the register to be amended, as the case may be, and the Director may order that a society's records be amended to reflect the Director's decision.

Delegation of authority to hold a hearing

(18) The Director may authorize any other person to hold a hearing required under subsection 14 and where such person is authorized by the Director to hold the hearing, the person shall exercise the powers and duties of the Director under subsections 14 to 17.

Appeal

(19) Any person who is a party to the hearing may appeal the decision made pursuant to subsection 17 to the Divisional Court.

Decision of Divisional Court

(20) The Divisional Court may affirm the decision appealed from or may rescind the decision and refer the matter back to the Director or the person authorized by the Director under subsection 18, as the case may be, to be disposed of in accordance with such directions as the Divisional Court considers proper under this section, and the Director or the person authorized by the Director shall give effect to any direction given by the Divisional Court under this subsection.

Record of proceedings at hearing inadmissible

(21) The record of proceedings in any hearing held under subsection 14 or in any appeal under subsections 19 and 20 is inadmissible in evidence in any other proceeding for any purpose except proceedings under clause *c* and subclause iv of clause *f* of subsection 1 of section 94. *New*.

Causing child to beg, perform, etc.

53.—(1) No person shall,

(*a*) cause or procure a child to be in any place to which the public has access for the purpose of begging or receiving charity or of inducing the giving of charity whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or

(*b*) subject to subsection 2, cause or procure a child to be in any place to which the public has access for the purpose of singing, playing or performing for profit or offering anything for sale between 9 o'clock in the afternoon of any day and 6 o'clock in the morning of the following day; or

(*c*) subject to subsection 2, cause or procure a child to be at any time for the purpose of singing, play-

ing or performing for profit or offering anything for sale in any circus, theatre or other place of public entertainment to which the public is admitted by payment.

Licence for child to perform in public

(2) In the case of an entertainment or series of entertainments to take place in premises used for public entertainment or in a circus, theatre or other place of public amusement, where it is shown that provision has been made to ensure the health and proper treatment of a child proposed to be employed thereat, the head of the council of the municipality where the entertainment is to take place may, with the approval of a society having jurisdiction where the entertainment is to take place, grant a licence for such time and during such hours of the day and subject to such restrictions and conditions as the head of the council thinks fit for any child who in the opinion of the head of the council is a fit and proper person to take part in such entertainment or series of entertainments, and the licence may at any time be varied, added to or revoked by the head of the council with the approval of the society.

Officer to supervise licence

(3) The head of the council may assign to the chief of police of the municipality or to some other person the duty of ensuring that the restrictions and conditions of any licence granted under subsection 2 are duly complied with, and the chief of police or such person, as the case may be, may enter, inspect and examine any place at which the employment of a child is for the time being licensed. R.S.O. 1970, c. 64, s. 42, *amended*.

Person under sixteen in public place

54.—(1) Subject to subsection 2 of section 53, no person under sixteen years of age shall engage in any trade or occupation in a place to which the public has access between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day.

Person under sixteen loitering in public place at night

(2) No person under sixteen years of age shall loiter in any place to which the public has access between the hours of 10 o'clock in the afternoon and 6 o'clock in the morning of the following day or be in any place of public resort or entertainment during such hours unless accompanied by the person's parent or an adult appointed by the parent or in the case of a child in the lawful care or custody of a society, an adult appointed by the society to accompany that person.

Warning

(3) A person found contravening any provision of this section may be warned by a police officer, and, if the warning is not regarded or if, after the warning, the person is again found con-

travening any provision of this section, the person may be taken by the police officer to the person's home or to a place of safety and where the person is taken to a place of safety, the person shall be brought before a court as if the person had been apprehended pursuant to section 21 or 22. R.S.O. 1970, c. 64, s. 43 (2-5), *amended*.

Presumption as to age of child

55. Where a person is charged with an offence under this Part in respect of a child who is alleged to be under a specified age and the child appears to the court to be under that age, the child shall for the purposes of this Part be deemed to be under that age unless the contrary is proved. R.S.O. 1970, c. 64, s. 44.

Separate place of detention

56.—(1) A child who is charged with an offence or brought before a court under this Part shall not, before the child's trial or hearing, be confined in a place used for persons charged with crime. R.S.O. 1970, c. 64, s. 45 (1), *amended*.

Idem

(2) Provision shall be made for the separate detention of every such child prior to the child's trial or hearing by arrangement with a person or society willing to undertake the responsibility of such detention on such terms as are agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-up or correctional institution. R.S.O. 1970, c. 64, s. 45 (2); 1975, c. 1, s. 24, *amended*.

Idem

(3) A child lawfully in custody shall not be placed or allowed to remain in the company of adult prisoners. R.S.O. 1970, c. 64, s. 4 (3).

Place of hearing

57.—(1) Where a hearing is held under this Part, except a hearing under section 52, whether upon an application or by way of trial or appeal, the hearing shall be held in premises maintained specifically for the purpose or in the private office of the judicial officer holding the hearing or in other suitable premises, but the hearing shall not be held in premises ordinarily used for hearings in criminal proceedings.

Exclusion of persons from hearing

(2) Where a hearing is held under this Part, whether upon an application or by way of trial or appeal, all persons shall be excluded from the hearing unless the judicial officer holding the hearing having regard to,

(*a*) the wishes and interests of the parties; and

(*b*) whether or not the presence of others at the hearing would be injurious to the emotional health of any child who is present at the hearing,

otherwise directs.

(3) Notwithstanding subsection 2, Idem

(*a*) a person acting as prosecutor in the proceedings and an agent of the Attorney General and of a Director; and

(*b*) subject to section 33, a child who is a party to the proceedings, the child's parents, a representative of a society, a person acting on behalf of the child, a person acting on behalf of the society, a person acting on behalf of the child's parents and any other person entitled to notice of the hearing,

may be present at a hearing held under this Part.

(4) Notwithstanding subsection 2 and subject to subsection 5, representatives of the press, radio and television media not exceeding two in number as agreed upon by all such representatives who present themselves, may be present at a hearing under this Part, except a hearing under section 52, but the judicial officer holding the hearing may exclude any or all such representatives from all or any part of the hearing or may prohibit the reporting of all or any part of the case by such representatives who are present at the hearing where the judicial officer is of the opinion that the presence of the representative or representatives, as the case may be, at the hearing or the reporting would be injurious to the emotional health of any child before the court and the judicial officer shall give reasons for the exclusion. Idem

(5) Where the representatives referred to in subsection 4 who are entitled to be present at the hearing are unable to agree as to who shall be present at the hearing, the judicial officer holding the hearing may designate those representatives who are entitled to be present. Idem

(6) The presence at the hearing of more than two representatives of the press, radio or television media may be allowed by the judicial officer holding the hearing. Idem

(7) Where a hearing is held under this Part, whether upon an application or by way of a trial or appeal, no person shall publish or make public in respect of the proceedings any information that has the effect of identifying, Publication

(*a*) any child or a parent or foster parent of the child or a member of the child's family present at the proceedings whether as a party, witness or otherwise; and

(*b*) any person charged with an offence in the proceedings. R.S.O. 1970, c. 64, s. 46, *amended*.

Effect of order of court in other jurisdiction

58. Where, an order or orders are made by a court of competent jurisdiction in any other province or territory of Canada or in any other state or country or part thereof that is prescribed in the regulations and such order or orders do not effect an adoption of the child according to the law of the jurisdiction where the order or orders were made, but the rights and responsibilities of guardianship in respect of a child have been legally vested by such order or orders in any person, organization, province, state or country or a legal representative of any of them, the order or orders so made shall for all purposes in Ontario have the same force and effect as if made under this Act. R.S.O. 1970, c. 64, s. 47, *amended*.

PART III

ADOPTION

Interpretation

59.—(1) In this Part and Part IV,

(*a*) "adoption agency" means a corporation without share capital having objects of a charitable nature,

R.S.O. 1970, c. 89

(i) to which Part III of *The Corporations Act* applies, or

(ii) that is incorporated under a general or special Act of the Parliament of Canada,

and that places children under eighteen years of age for adoption and includes a society;

(*b*) "licence" means a licence issued under this Act;

(*c*) "relative of the child" means a grandparent, uncle or aunt of the child, whether the relationship is of whole blood, half blood or by marriage, and notwithstanding that the relationship is traced through or to a person born outside marriage or that the relationship depends on the adoption of any person. R.S.O. 1970, c. 64, s. 69, *amended*.

Idem

(2) In this Part, "child" means a person whether under eighteen years of age or eighteen or more years of age.

Licence required

60.—(1) No person other than a society shall establish, operate or maintain an adoption agency except under the authority of a licence issued by a Director under this Act.

(2) Subject to section 61, any person who is a corporation without share capital having objects of a charitable nature, Issuance of licence

(*a*) to which Part III of *The Corporations Act* applies; or R.S.O. 1970, c. 89

(*b*) that is incorporated under a general or special Act of the Parliament of Canada,

and who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain an adoption agency and pays the prescribed fee is entitled to be issued a licence by a Director subject to such terms and conditions as the Director may prescribe.

(3) Subject to section 61, a Director shall renew a licence of an adoption agency on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee, and the renewal shall be subject to such terms and conditions as the Director may prescribe. Renewal of licence

(4) Subject to section 61, where an applicant under subsection 2 or 3, as the case may be, for a licence or a renewal of a licence does not meet all the requirements for the issuance of a licence or renewal thereof and requires time to meet such requirements, a Director may, subject to such terms and conditions as the Director may prescribe, issue a provisional licence for such period or periods as the Director considers necessary to afford the applicant an opportunity to meet the requirements. Provisional licence

(5) The Director may, subject to such terms and conditions as the Director may prescribe, issue a licence to a person other than an adoption agency for the placement of a child under eighteen years of age with another person for the purpose of adoption. Licence to person other than adoption agency

(6) A licence is not transferable. Not transferable

(7) A licensee that is a corporation shall notify a Director in writing within fifteen days of any change in the officers or directors of the corporation. *New*. Notice of change

61.—(1) Subject to section 62, a Director may refuse to issue a licence where in the Director's opinion, Grounds for refusal

(*a*) any of the officers, directors or employees of the applicant are not competent to place children under eighteen years of age for adoption in a responsible

manner in accordance with this Act and the regulations;

(*b*) an applicant for a licence under subsection 5 of section 60 who is not a corporation or any employee of the applicant is not competent to place a child under eighteen years of age for adoption in a responsible manner in accordance with this Act and the regulations; or

(*c*) the past conduct of any of the officers, directors or employees of the applicant affords reasonable grounds for belief that any of them will not operate an adoption agency in accordance with this Act and the regulations.

Revocation or refusal to renew

(2) Subject to section 62, a Director may refuse to renew or may revoke a licence issued to an adoption agency or to a person referred to in subsection 5 of section 60 where in the Director's opinion,

(*a*) any officer, director or employee of the licensee has contravened or has knowingly permitted any person under the control or direction of or associated with the officer, director or employee, as the case may be, to contravene,

(i) any provision of this Act or the regulations, or

(ii) any term or condition of the licence;

(*b*) the licensee under subsection 5 of section 60 who is not a corporation, or any employee of the licensee has contravened or knowingly permitted any person under the control or direction of or associated with the employee, as the case may be, to contravene,

(i) any provision of this Act or the regulations, or

(ii) any term or condition of the licence;

(*c*) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the adoption agency or the licensee under subsection 5 of section 60, as the case may be;

(*d*) where the applicant is a corporation, a change in the officers or directors of the applicant would, if

the applicant were applying for the licence in the first instance, afford grounds for refusing to issue a licence under clause *c* of subsection 1; or

(*e*) the adoption agency is operated in a manner that is prejudicial to the health, safety or welfare of the children being placed by the adoption agency for adoption. *New.*

Interpretation

1978, c. . . . .

62.—(1) In this section and in sections 63 and 65, "Board" means the Children's Services Review Board established under *The Children's Residential Services Act, 1978.*

Hearing

(2) Where a licensee is dissatisfied with the terms and conditions prescribed by a Director under subsection 2, 3, 4 or 5 of section 60, the licensee may, within fifteen days after the licence is received by the licensee by written notice given to the Director and to the Board, require a hearing by the Board and the Board shall appoint a time for and shall hold a hearing.

Board may impose terms and conditions

(3) The Board, pursuant to a hearing under subsection 2, may affirm the terms and conditions prescribed by a Director under subsection 2, 3, 4 or 5 of section 60 or may cancel such terms and conditions or may prescribe such other terms and conditions in lieu of those prescribed by the Director as it considers proper.

Receipt of licence

(4) For the purposes of subsection 2, a licence shall be deemed to be received by a licensee on the tenth day after the day of mailing of the licence unless the person to whom the licence is issued establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the licence until a later date.

Notice of proposal to refuse to issue or to revoke

(5) Where a Director proposes to refuse to issue a licence under section 61 or to refuse to renew or revoke a licence issued under that section, the Director shall cause notice to be served of the Director's proposal, together with written reasons therefor, on the applicant or the licensee, as the case may be.

Notice requiring hearing

(6) A notice under subsection 5 shall inform the applicant or licensee, as the case may be, that the applicant or licensee is entitled to a hearing by the Board if the applicant or licensee mails or delivers, within fifteen days after the notice is served on the applicant or licensee, notice in writing to the Director and to the Board requiring a hearing, and the applicant or licensee, as the case may be, may so require such a hearing.

Powers of Director where no hearing

(7) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 6, the Director may carry out the proposal stated in the Director's notice under subsection 5 without a hearing.

Continuation of licence pending renewal

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiration of a licence, a licensee has applied for renewal of a licence and paid the prescribed fee, the licence shall be deemed to continue,

(*a*) until the renewal is granted; or

(*b*) where the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision. *New*.

Application

63. Sections 6, 8, 10 and 11 of *The Children's Residential Services Act, 1978* apply with necessary modifications to a notice under subsection 2 or 5 of section 62, to proceedings before the Board and to the powers of the Board under section 62 and to appeals therefrom. *New*.

Suspension of licence

64. Notwithstanding section 62, a Director may, by causing notice to be served on an adoption agency or a licensee under subsection 5 of section 60, as the case may be, and without a hearing, provisionally suspend the licence of the adoption agency or the licensee where, in the opinion of the Director, the operation of the adoption agency or the licensee is an immediate threat to the health, safety or welfare of the children or child placed or to be placed by the adoption agency or the licensee, as the case may be, for adoption and the Director so states in such notice giving reasons therefor, and, upon suspension, the provisions of sections 62 and 63 apply as if the notice given under this section were a notice of a proposal under subsection 2 of section 62 to revoke the licence. *New*.

Child to be placed by licensee

65.—(1) No person other than an adoption agency or licensee under subsection 5 of section 60 shall,

(*a*) place or cause to be placed a child under eighteen years of age with another person; or

(*b*) take or send or attempt to take or send any child under eighteen years of age who is a resident of or who was born in Ontario, out of Ontario,

for the purpose of adoption.

(2) No person shall receive a child under eighteen years of age for the purpose of adoption without the prior approval of a Director under subsection 7. Approval of Director required

(3) Every adoption agency or licensee under subsection 5 of section 60 that proposes, Notice to Director

(*a*) to place a child under eighteen years of age; or

(*b*) to take or send a child under eighteen years of age who is a resident of or was born in Ontario, out of Ontario to be placed,

for the purpose of adoption, shall in advance of the placement notify a Director of the proposed placement.

(4) Subsections 1, 2 and 3 do not apply to, Application

(*a*) the placement of a child with a relative of the child or with the spouse of a parent of the child; or

(*b*) the taking or sending of a child out of Ontario,

(i) by a parent of the child for adoption by the spouse of the parent of the child, or

(ii) for placement of the child with a relative of the child for the purpose of adoption.

(5) Subsections 2 and 3 do not apply to the placement of a child by a society. Idem

(6) The Director shall forthwith after receiving a notice under subsection 3 obtain a report of a homestudy made by a person who, in the opinion of the Director or local director of a society, is qualified to make the homestudy of the person proposing to adopt the child. Homestudy

(7) The Director shall forthwith, after receiving the report of the results of the homestudy, approve the proposed placement for adoption or notify the adoption agency or the licensee under subsection 5 of section 60, as the case may be, and the person proposing to adopt the child of the Director's proposal to refuse approval of the placement and that the adoption agency or licensee and the person proposing to adopt the child are entitled to a hearing before the Board and the provisions of sections 6, 8, 10 and 11 of *The Children's Residential Services Act, 1978* shall apply with necessary modifications to a notice under this subsection to proceedings before the Board and to powers of the Board. Decision of Director, etc. 1978, c.....

Supervision of placement by society

(8) Where the Director approves the proposed placement for adoption under subsection 7, the Director may direct a society, or in the case of a placement out of Ontario may arrange for a child protection agency recognized in the jurisdiction of the placement, to supervise the placement subject to such terms and conditions as the Director may prescribe. *New*.

Hearing

(9) Where the person proposing to adopt the child, the adoption agency or the licensee under subsection 5 of section 60, as the case may be, is dissatisfied with the terms and conditions prescribed by a Director under subsection 8, the person, the adoption agency or licensee, upon giving notice is entitled to a hearing before the Board and the provisions of sections 7, 8, 10 and 11 of *The Children's Residential Services Act, 1978* shall apply with necessary modifications to such notice to proceedings before the Board and to powers of the Board.

Powers of Director where no hearing

(10) Where a person proposing to adopt the child, the adoption agency or the licensee under subsection 5 of section 60, as the case may be, does not require a hearing by the Board in accordance with subsection 7, the Director may carry out the proposal stated in the Director's notice under that subsection without a hearing.

Review by Director

66. Notwithstanding subsection 3 of section 69, a Director, with or without the request of any person, may review the decision of any adoption agency or licensee under subsection 5 of section 60 to refuse to place a child with a person for the purpose of adoption by that person or to remove the child who has been placed with a person for the purpose of adoption and the Director may confirm the decision of the adoption agency or licensee, as the case may be, or rescind the decision and the Director may give such direction, make any further decision or take any further step that an adoption agency or licensee under subsection 5 of section 60 is authorized to make, give or take under this Act. *New*.

Prohibition against payments for adoptions

67.—(1) Subject to subsection 2, no person, whether before or after the birth of a child, shall make, give or receive or agree to make, give or receive a payment or reward for or in consideration of or in relation to,

(*a*) the adoption or proposed adoption of the child under this Part;

(*b*) the giving of consent or the signing of an instrument of consent to the adoption of the child under this Part;

(*c*) the transfer of the custody or control of the child with a view to the adoption of the child under this Part; or

(*d*) the conduct of negotiations or the making of arrangements with a view to the adoption of the child under this Part.

(2) Subsection 1 does not apply to the payment of expenses of an adoption agency or licensee under subsection 5 of section 60 or the payment of legal expenses in connection with an adoption or proposed adoption under this Part. R.S.O. 1970, c. 64, s. 88, *amended*. Idem

68. Every society shall endeavour to secure the adoption of Crown wards, having regard to the best interest of each Crown ward. R.S.O. 1970, c. 64, s. 86 (1). Duty of society to secure adoption

69.—(1) In this section, "parent" includes, Interpretation

(*a*) a guardian;

(*b*) a person who has demonstrated a settled intention to treat a child as a child of the person's family; and

(*c*) a person who is not recognized in law to be a parent of a child but,

(i) has acknowledged a parental relationship to the child and has voluntarily provided for the child's care and support,

(ii) by an order of a court of competent jurisdiction or a written agreement, is under a legal duty to provide for the child or has been granted custody of or access to the child, or

(iii) has made a written acknowledgment of the fact of his or her parentage to the adoption agency or licensee under subsection 5 of section 60 placing the child for adoption,

but does not include the Crown, a society or a foster parent of a child. *New*.

Consent

(2) An order for the adoption of a child under eighteen years of age and who has not been married shall be made only with the written consent, given after the child is seven days old, of every person who is a parent or who has lawful custody or control of the child, but any person who has given his or her consent may cancel it by a document in writing to that effect within twenty-one days after the consent is given. R.S.O. 1970, c. 64, s. 73 (1, 2); 1971, c. 98, s. 4, Sched., par. 6, *amended*.

Rights and responsibilities

(3) Upon the giving of all the consents required under subsection 2, all the rights and responsibilities of a legal guardian of the child for the purpose of the child's care, custody and control belonging to the person or persons giving the consents shall, where the child is being placed for adoption by an adoption agency and, subject to subsection 11, transfer to, be vested in and be assumed by the adoption agency so long as the consents remain in force and until an adoption order is made.

Idem

(4) Notwithstanding subsection 3, the rights and responsibilities of a legal guardian of the child shall not transfer to an adoption agency until the twenty-one day period for cancellation of the consent given under subsection 2 has expired.

Idem, Crown ward

(5) An order for the adoption of a child who is a Crown ward shall be made only with the written consent of a Director, in which case no other consent, except a consent required under subsection 6, is required. R.S.O. 1970, c. 64, s. 73 (3), *amended*.

Idem, child and where married, spouse of child

(6) An order for the adoption of a child who is seven or more years of age shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse except that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate. R.S.O. 1970, c. 73 (4); 1975, c. 1, s. 31 (1).

Where consent not given

(7) Where a consent required by this section has not been given, the court upon application by the applicant for the adoption may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

(8) The court shall not dispense with a consent required under this section, except a consent required under subsection 6, until the court is satisfied that the person from whom the consent is required has had notice of the application for adoption and notice of the application to dispense with the consent, or that reasonable effort has been made, in the opinion of the court, to cause such person to be notified. R.S.O. 1970, c. 64, s. 73 (5, 6). Notice

(9) Where a consent required by this section has been given, it may after the twenty-one days referred to in subsection 2 and subject to subsections 10 and 11, be withdrawn by the person giving it only if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the consent be withdrawn. R.S.O. 1970, c. 64, s. 73 (7); 1975, c. 1, s. 31 (2). Where consent given

(10) Subject to subsection 11, an application to the court for the withdrawal of a consent given under subsection 2 shall not be made after the child has been placed for adoption by an adoption agency or licensee under subsection 5 of section 60 so long as the child remains in the care of the person with whom the child was placed for adoption. Consent not to be withdrawn

(11) Where all the consents required under subsection 2 have been given and, after the expiration of one year from the giving of the consents under subsection 2 or from a review of the child's status under this subsection, whichever is later, whether or not the child has been placed for adoption, an order for the adoption of the child has not been made, the adoption agency or licensee under subsection 5 of section 60, as the case may be, shall notify a Director and the Director or any person authorized by the Director shall review the status of the child and after such review the Director or such person, having regard to the best interests of the child, may, Review by Director

(*a*) where the adoption agency or licensee is not a society direct the adoption agency or licensee to place the child into the care and custody of a society designated by the Director;

(*b*) where the child is in the care, custody and control of a society, direct the society to bring the child before the court under Part II to determine whether an order under section 30 should be made and thereafter the provisions of sections 28 to 36 apply, with necessary modifications, to the child.

(*c*) where the child is in the care of the person with whom the child has been placed for adoption, confirm the placement of the child with that person or give such direction, make any further decision or take any further step relating to the further placement of the child that the adoption agency or licensee is authorized to make, give or take under this Act;

(*d*) where the child leaves or is removed from the care of the person with whom the child has been placed for adoption, give such direction, make any further decision or take any further step relating to the further placement of the child that the adoption agency or licensee is authorized to make, give or take under this Act; or

(*e*) direct the adoption agency or licensee to return the child to the care of the person giving the consent under subsection 2 where that person had charge of the child at the time the consent was given and has agreed to receive the child back into care, and upon giving such direction, every consent to the adoption given under subsection 2 shall be deemed to be withdrawn.

Application to judge

(12) Where an application is made to the court under Part II pursuant to clause *b* of subsection 11, the child shall be brought before the court as if the child had been apprehended pursuant to section 21 or 22 and the child may be dealt with by the court in the same manner as though the child were a child apparently in need of protection. *New.*

Consent not invalid by reason of age

(13) No consent required by this section is invalid by reason only of the fact that the person giving it is under eighteen years of age except that, in the case of a consent required under subsection 2 given by a person under eighteen years of age the consent is not valid unless the Official Guardian is satisfied that the consent reflects the true informed wishes of the person. R.S.O. 1970, c. 64, s. 73 (8); 1971, c. 98, s. 4, Sched., par. 6, *amended.*

Interference with child, etc.

(14) Subject to a direction of a Director under subsection 11 to the child, no person shall,

(*a*) visit, write to, telephone to, communicate with, remove or attempt to remove from any place, or

interfere with a child who has been placed for adoption by an adoption agency or licensee under subsection 5 of section 60; or

(*b*) visit, write to, telephone to or communicate with, for the purpose of interfering with the child, a person or persons with whom the child has been placed for adoption,

after the giving of all the consents under subsection 2, and before an order for the adoption of the child has been made, without the consent in writing of the adoption agency or licensee, as the case may be.

Termination of access order

(15) Upon the placement of a child under eighteen years of age by an adoption agency or licensee under subsection 5 of section 60 for the purpose of adoption, and upon the giving of all the consents required under subsection 2, any outstanding order of access with respect to the child, other than an order of access made under this Act, shall terminate. *New.*

Affidavit of execution

70. An affidavit of execution in the prescribed form shall be attached to every consent required under this Part and to every cancellation under subsection 2 of section 69. R.S.O. 1970, c. 64, s. 74, *amended.*

Jurisdiction of courts

71.—(1) The court in the county or district in which either the applicant or the child sought to be adopted resides at the time the application for an adoption order is filed has jurisdiction to make the order. R.S.O. 1970, c. 64, s. 70 (1); 1975, c. 1, s. 29 (1), *amended.*

Application to be heard *in camera*

(2) An application for an adoption order shall be heard and determined *in camera.* R.S.O. 1970, c. 64, s. 70 (2), *amended.*

Transfer of proceedings

(3) Where the court referred to in subsection 1 is satisfied that there is preponderance of convenience in favour of hearing the application for adoption in another county or district, the court may, at any time after the application is made and before the hearing of the application, transfer the proceedings to a court in any other county or district.

Affidavit evidence

(4) The court may accept evidence by affidavit but the affidavit shall be confined to facts within the personal knowledge of the person making the affidavit. *New.*

Stale applications

(5) Where an application for an adoption order is not heard by the court within the twelve months next following

the signing of the application by the applicant, it shall not be proceeded with unless the court otherwise directs, but another application may be made in its stead. R.S.O. 1970, c. 64, s. 70 (3), *amended*.

Guardian *ad litem*

(6) For the purpose of an application for an order for the adoption of a child under eighteen years of age, the court may appoint a person to act as the guardian *ad litem* of the child before or upon the hearing of the application if in the opinion of the court such appointment is required to protect the legal interests of the child in the proceedings and the court may make such order as to the costs of the guardian *ad litem* as the court deems appropriate in the circumstances. 1975, c. 1, s. 29 (2).

When order may be made

72. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by a person resident in Ontario. R.S.O. 1970, c. 64, s. 71, *amended*.

Where order not to be made

73.—(1) The court shall not make an adoption order for a child who is under eighteen years of age and who has not been married unless the child has been placed with an applicant for adoption by an adoption agency or licensee under subsection 5 of section 60.

Application

(2) Subsection 1 does not apply to an application for adoption of a child,

(*a*) by a relative of the child; or

(*b*) by the spouse of the child's parent. *New*.

Where order not to be made

74.—(1) The court shall not make an adoption order,

(*a*) where the applicant is under eighteen years of age or, in the case of a joint application by a husband and wife, where the husband or wife is under eighteen years of age;

(*b*) where the applicant is unmarried, a widow, a widower, a divorced person or living apart from his or her spouse; or

(*c*) where the child being adopted is eighteen or more years of age or is under eighteen years of age and has been married,

unless the court is satisfied that there are special circumstances that justify the making of the order. R.S.O. 1970, c. 64, s. 72 (1); 1971, c. 98, s. 4, Sched., par. 6; 1975, c. 1, s. 30 (1), *amended*.

(2) An adoption order shall not be made where the court has made a decision under subsection 7 of section 69 granting or refusing the dispensing of the requirement of the giving of consent until, Idem

(*a*) any appeal under subsection 3 of section 84 in respect of the decision has been disposed of; or

(*b*) the time for commencing an appeal under subsection 5 of section 84 in respect of the decision has expired,

whichever is the later. *New.*

(3) Subsection 1 does not apply to an application for adoption of a child by a spouse of a parent of the child. 1975, c. 1, s. 30 (2), *amended.* Application of subs. 1

(4) Except in the case of a joint application by a husband and wife, an order shall not be made for the adoption of a child by more than one person. R.S.O. 1970, c. 64, s. 72 (2). Adoption by more than one person

(5) An adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse, provided that the court may dispense with such consent where the spouses are living apart and where the court considers it in the best interests of the child that the consent be dispensed with. R.S.O. 1970, c. 64, s. 72 (3); 1975, c. 1, s. 30 (3), *amended.* Consent of adopting spouse

75.—(1) Where an application is made to the court for the adoption of a child who is under eighteen years of age and who has not been married, a Director shall file with the court prior to the hearing of the application a statement in writing, Statement of Director

(*a*) that the child has resided for six months or more with the applicant and, having regard to the best interests of the child, recommending whether or not, in the opinion of the Director, an order for the adoption of the child should be made; or

(*b*) that the applicant is an appropriate person to adopt the child and recommending that for reasons set out in the statement it is in the best interests of the child that the period of residence be dispensed with and an order for the adoption of the child should be made,

and the Director, in making a recommendation under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in the Director's opinion, the court may wish to take into account before making or refusing the order.

Filing of notice

(2) Where a Director recommends that an adoption order should not be made, the Director shall file a copy of the statement under subsection 1 with the court at least thirty days prior to the hearing and the Director shall cause a copy of the statement to be served upon the applicant within seven days after the Director filed the statement with the court.

Statement of local director

(3) In the case of a child referred to in subsection 1 who has been placed for adoption by a society, the statement referred to in clause *a* of that subsection is sufficient if it is made by the local director.

Report

(4) A Director or local director before making a recommendation under subsection 1 shall obtain a report on the adjustment of the child in the home of the applicant made by the society with jurisdiction in the area where the applicant resides, or by such other person who has received prior approval from the Director or local director, as the case may be. 1975, c. 1, s. 32, *amended*.

Application

(5) Subsections 1 and 4 do not apply to an application for adoption of a child,

(*a*) by a relative of the child; or

(*b*) by the spouse of the child's parent,

unless the court hearing the application so directs. *New*.

Duty of court

76. The court before making an adoption order shall be satisfied,

(*a*) that every person who has given a consent under this Part understands the nature and effect of the adoption order; and

(*b*) that the order will be in the best interests of the child. R.S.O. 1970, c. 64, s. 77.

Procedure on application

77. Upon the hearing of an application for adoption, where the child is seven or more years of age, the court shall inquire into the capacity of the child to appreciate the nature of the application and shall, where practicable, hear the child. R.S.O. 1970, c. 64, s. 76.

78.—(1) Subject to subsection 3, when making an adoption order, the court may order that the adopted child, Surname

(*a*) retain the surname by which the child was known immediately prior to the adoption; or

(*b*) assume the surname of either or both of the adopting parents.

(2) Subject to subsection 3, in an adoption order, the court may in its discretion change the given name or names of the child as the adopting parent desires, and thereafter the adopted child is entitled to and is to be known by the name or names so given. R.S.O. 1970, c. 64, s. 78, *amended*. Given names

(3) In the case of a child fourteen or more years of age, the court shall not make an order under this section changing the given name or the surname of the child without the written consent of the child. *New*. Consent required

79. If the adopted child was born outside marriage, that fact shall not appear upon the adoption order. R.S.O. 1970, c. 64, s. 79, *amended*. Born outside marriage not to appear

80.—(1) Subject to subsection 6 of section 81, the documents used upon an application for an adoption order shall be sealed up and filed in the office of the court by the proper officer of the court and shall not be open for inspection except upon an order of the court or the written direction of a Director. Papers to be sealed up

(2) Within thirty days after the making of an adoption order, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit, Transmission of order

(*a*) the original order to the adopting parent;

(*b*) one certified copy to a Director;

(*c*) one certified copy to the Registrar General, or, where the adopted child was born outside Ontario, two certified copies to the Registrar General; and

(*d*) where the adopted child is a member of a band within the meaning of the *Indian Act* (Canada), one certified copy to the Registrar under that Act. R.S.O. 1970, c. 64, s. 80, *amended*. R.S.C. 1970, c. I-6

81.—(1) In this section, "Director" means an employee of the Ministry appointed by the Minister for the purposes of this section. Interpretation

Voluntary disclosure registry

(2) An adopted child who is eighteen or more years of age and a person who was a parent of an adopted child at the time of the child's birth where the adoption took place in Ontario in each instance may apply to a society to be registered in a voluntary disclosure registry that shall be maintained by the Director.

Society to notify Director

(3) Every society that receives an application under subsection 2 shall forthwith forward a copy of the application to the Director who shall enter the applicant's name in the voluntary disclosure registry.

Information confidential

(4) Notwithstanding the provisions of any other Act, no person shall inspect, remove, disclose, transmit or alter or permit the inspection, removal, disclosure, transmission or alteration of information maintained in the voluntary disclosure registry established under subsection 2, except with the written permission of the Director.

Director to determine if both parent and child are registered

(5) The Director shall upon entering an applicant's name in the voluntary disclosure registry examine the registry to determine,

(*a*) where the applicant is an adopted child, if a person who was the child's parent at the time of the child's birth is named in the registry; or

(*b*) where the applicant is a person who was a parent of an adopted child at the time of the child's birth, if the adopted child is named in the registry.

Idem

(6) Where the Director,

(*a*) determines that both an adopted child and a person who was the child's parent at the time of the child's birth are named in the voluntary disclosure registry;

(*b*) obtains from any living person who was the parent of the child after an adoption order with respect to the child was made, consent to the disclosure of information pursuant to this section; and

(*c*) obtains a confirmation from each of the parties referred to in clause *a* that they agree to the disclosure of information pursuant to this section,

the Director shall forthwith forward to the appropriate society the information contained in,

(*d*) the documents referred to in subsection 1 of section 80; and

(*e*) the voluntary disclosure registry,

with respect to the adopted child and the person who was the child's parent and the society shall provide the information to the adopted child and the person who was the child's parent.

Society to provide guidance and counselling

(7) Every society shall provide guidance and counselling to persons who may be registered in the voluntary disclosure registry referred to in subsection 2. *New*.

Interim order

82.—(1) Upon an application for an adoption order, the court, after considering any recommendation made by a Director, may postpone the determination of the application and make an interim order giving the custody of the child sought to be adopted to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the court thinks fit. R.S.O. 1970, c. 64, s. 81 (1); 1975, c. 1, s. 33 (1).

Idem

(2) An interim custody order is not an adoption order.

Consents

(3) All consents required for an adoption order are necessary for an interim custody order, subject to a like power in the court to dispense with any such consent requirement. R.S.O. 1970, c. 64, s. 81 (2, 3).

Residence outside Ontario

(4) Where an applicant has obtained an interim custody order and subsequently takes up residence outside Ontario, the court may nevertheless make the adoption order applied for if a Director makes a recommendation in favour of the order under section 75. R.S.O. 1970, c. 64, s. 81 (4); 1975, c. 1, s. 33 (2).

Order final

83. Subject to section 84, an order granting an adoption shall be final and irrevocable and shall not be questioned or reviewed in any court of competent jurisdiction by way of injunction, declaratory judgment, *certiorari*, *mandamus*, prohibition, *habeas corpus* or application for judicial review. *New*.

Appeal

84.—(1) An applicant for an adoption order, or a Director or the local director, as the case may be, who has filed a statement pursuant to subsection 1 of section 75, may appeal to the county or district court of the county or

district in which the decision was made from the decision granting or refusing an adoption order.

Idem

(2) An applicant for an adoption order, a Director, or the local director, as the case may be, who has filed a statement pursuant to subsection 1 of section 75, or a person who has given consent under subsection 2 of section 69 may appeal to the county or district court of the county or district in which the decision was made from the decision of the court made pursuant to subsection 9 of section 69, granting or refusing the withdrawal of a consent to the adoption.

Idem

(3) An applicant for an adoption order, a Director, or the local director, as the case may be, who has filed a statement pursuant to subsection 1 of section 75, a person who has given consent under subsection 2 of section 69 or a person with respect to whom a consent required under subsection 2 of section 69 has been dispensed with may appeal to the county or district court of the county or district in which the decision was made from the decision of the court made pursuant to subsection 7 of section 69, granting or refusing the dispensing of the requirement of the giving of consent.

Appeal *in camera*

(4) An appeal under subsection 1, 2 or 3 shall be heard *in camera* and notice of the appeal shall be served on a Director.

Notice

(5) A notice of appeal under subsection 1, 2 or 3 shall be served within thirty days of the making of the decision being appealed and no extension of the time for serving the notice or making the appeal shall be granted. *New.*

Effect of order on previous adoption

85. An adoption order or an interim custody order may be made in respect of a child who has previously been the subject of an adoption order, and the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the child for the purposes of this Part. R.S.O. 1970, c. 64, s. 82.

Status of adopted child

86.—(1) For all purposes, as of the date of the making of an adoption order,

(*a*) the adopted child becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child; and

(*b*) the adopted child ceases to be the child of the person who was his or her parent before the adoption

order was made and that person ceases to be the parent of the adopted child, except where the person is the spouse of the adopting parent,

as if the adopted child had been born to the adopting parent and all the rights and responsibilities of a legal guardian of the child that have vested in any adoption agency pursuant to subsection 3 of section 69 are terminated. R.S.O. 1970, c. 64, s. 83 (1), *amended.*

Application of subs. 1 to relationship of persons

(2) The relationship to one another of all persons whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the adoption order was made, the kindred of that former parent or any other person shall, for all purposes, be determined in accordance with subsection 1. R.S.O. 1970, c. 64, s. 83 (2).

References in will or other document

(3) In any will or other document, whether heretofore or hereafter in existence, and whether or not the maker of the will or other document was alive at the date of the coming into force of this section, unless the contrary is expressed, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include, as the case may be, a person who comes within the description as a result of the person's own adoption or the adoption of another person. 1975, c. 1, s. 34 (1), *amended.*

Application of section

(4) This section applies and shall be deemed to have always applied with respect to any adoption made under any legislation heretofore in force, but not so as to affect,

(*a*) any interest in property or right of the adopted child that has indefeasibly vested before the date of the making of an adoption order; and

(*b*) any interest in property or right that has indefeasibly vested before the coming into force of this section. 1975, c. 1, s. 34 (2).

Exception

(5) Subsections 1 and 2 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed. R.S.O. 1970, c. 64, s. 83 (4).

Effect of adoptions under other laws

87.—(1) An adoption effected according to the law of any other province or territory of Canada or of any other state

or country or part thereof, before or after the commencement of this section, has the same effect in Ontario as an adoption under this Act. R.S.O. 1970, c. 64, s. 85.

Idem

(2) Where, as a requirement of the making of an order or orders of a court of competent jurisdiction in any other province or territory of Canada or in any other state or country or part thereof, that effects an adoption of a child according to the laws of the jurisdiction where the order or orders were made, any statement, consent, declaration or similar document in writing is made by a person, organization, province, state, country or legal representative of any of them, in whom the rights and responsibilities of guardianship in respect of the child have been legally vested, such statement, consent, declaration or similar document in writing shall for all purposes in Ontario have the same force and effect as if made under this Act. R.S.O. 1970, c. 64, s. 47, *amended*.

Subsidies

88. Where, in the opinion of the Minister, the best interests of a child may be served by granting a subsidy to the adopting parent of the child, the Minister may out of moneys appropriated therefor by the Legislature authorize payments, from time to time and upon such terms and conditions as the Minister may prescribe, of such amounts as are necessary for such purposes. *New*.

PART IV

GENERAL

Regulations

89.—(1) The Lieutenant Governor in Council may make regulations,

1. prescribing additional powers and duties of a Director;

2. prescribing the records that shall be kept by societies and the returns and reports that shall be made by societies under this Act;

3. requiring societies to provide such information and to make such returns and reports as are prescribed and prescribing the persons or agencies to whom such information and returns are to be given and reports are to be made;

4. governing the qualifications of persons or classes of persons employed by or involved in the management and operation of societies;

5. prescribing provisions to be included in the by-laws of societies;

6. defining "net expenditures";

7. prescribing expenses that may be charged for services under this Act and classes of such expenses and the terms and conditions under which any such expense or class thereof may be charged;

8. prescribing the manner of determining the proportion of an approved estimate that is referable to each municipality in the area served by a society for the purposes of subsection 6 of section 8;

9. prescribing additional powers and duties of a child welfare review committee appointed under section 12;

10. determining the amounts of payments under subsections 1 and 2 of section 13 and prescribing classes of such payments and the terms and conditions under which any such payment or class thereof may be paid;

11. providing for payments to reimburse a municipality for all or any part of any increase in its financial obligations to a society under this Act and prescribing classes of such payments and the terms and conditions under which any such payment or class thereof may be paid;

12. determining the costs to municipalities and to societies for the purposes of section 14;

13. determining the amounts of payments to be made to municipalities and societies under section 14 and providing for classes of such payments and the terms and conditions under which such payments or class or classes thereof may be made;

14. prescribing the times and manner of payment of capital grants under section 14;

15. prescribing "special needs" of children,

    i. for which joint facilities may be established under section 16, and

ii. for the purpose of subsection 4 of section 25;

16. prescribing terms and conditions to be included in any agreement or class of agreement entered into under section 25;

17. for the purposes of subsection 9 of section 25, prescribing the manner of determining the nature and degree of a developmental handicap that would render a child incapable of consenting to an agreement made under that section;

18. governing the construction, alteration, renovation, extension and furnishing and equipping of homes operated or supervised by societies and providing residential care for children, other than children's residences under *The Children's Residential Services Act, 1978*;

1978, c. . . .

19. prescribing the information that shall be recorded in the register established under subsection 3 of section 52;

20. prescribing the period or periods of time that information or any class thereof shall be maintained in the register established under subsection 3 of section 52 and providing for the expunging of information or any class thereof from the register;

21. prescribing the practice and procedure of the court under this Act or any Part thereof;

22. fixing fees, costs, charges and expenses payable on proceedings under this Act or any Part thereof and providing for dispensing with the payment of such fees, costs, charges and expenses where, owing to lack of means or for any other reason, the court considers such action advisable;

23. prescribing rules and standards governing the establishment and operation of adoption agencies;

24. governing the issuance, renewal and expiration of a licence required under section 60 and prescribing terms and conditions for the issuance, renewal and expiration of licences;

25. prescribing the fees payable by an applicant for a licence or renewal thereof;

26. providing for the inspection of books of account and other records of adoption agencies or licensees under subsection 5 of section 60;

27. governing the qualifications of persons or classes of persons employed by or involved in the management and operation of adoption agencies or licensees under subsection 5 of section 60;

28. requiring adoption agencies or licensees under subsection 5 of section 60 to provide such information and to make such returns and reports as are prescribed and prescribing persons or agencies to whom such information and returns are to be given and reports are to be made;

29. requiring the bonding of,

    i. adoption agencies or licensees under subsection 5 of section 60, and

    ii. the employees of adoption agencies or licensees under subsection 5 of section 60,

    or any class thereof, and providing for the forfeiture of the bond and the disposition of the proceeds thereof;

30. prescribing the form and term of bonds that are required and the collateral security that may be required with the bonds;

31. prescribing the records that shall be kept by adoption agencies or licensees under subsection 5 of section 60 and the returns and reports that shall be made by adoption agencies or licensees under this Act;

32. prescribing states and countries for the purposes of section 58;

33. prescribing forms and providing for their use;

34. prescribing the practices and procedures on appeals to the county or district court under sections 43 and 84. R.S.O. 1970, c. 64, s. 89; 1971, c. 109, s. 7; 1975, c. 1, s. 37 (1-6), *amended*.

(2) The Minister shall prescribe, Idem

(*a*) standards of services relating to the purposes set out in subsection 2 of section 6; and

(*b*) procedures and practices to be followed by societies. *New*.

Inter-provincial agreements

90. The Minister, with the approval of the Lieutenant Governor in Council, may on behalf of the Government of Ontario make agreements with the Crown in right of Canada and with the Crown in right of any other province of Canada respecting services to or the care or protection of children. *New*.

Service

91.—(1) Unless otherwise provided for in this Act or the regulations, any notice or order required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice or order until a later date.

Idem

(3) Where any notice is required to be given, delivered, filed or served on a Director under this Act or the regulations or a certified copy of an order is required to be transmitted to a Director under clause *b* of subsection 2 of section 80 such notice or certified copy is sufficiently given, delivered, filed, served or transmitted, as the case may be, on or to a Director if the notice or certified copy is given, delivered, filed, served or transmitted on or to any of the Directors appointed pursuant to subsection 1 of section 2. *New*.

Reference to parent

92. Except for section 25, a reference in this Act or the regulations to "a parent" or "the parent" shall be deemed to be a reference to every parent of the child unless the context otherwise requires. *New*.

Giving of notice

93. Where any notice required in proceedings under this Act has not been given, the court may proceed to hear or dispose of the matter as if such notice had been given where the court is satisfied that reasonable effort has been made to cause such notice to be given. *New*.

Offences

94.—(1) Every person who,

(*a*) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with an order of the court under subsection 4 of section 35;

(*c*) fails to comply with an order made by a Director under subsection 17 of section 52;

(*d*) hinders, obstructs or interferes with or attempts to hinder, obstruct or interfere with any person acting in the performance of the person's duties under section 21, 22 or 23;

(*e*) is a parent and who permits his or her child to contravene any provision of subsection 1 or 2 of section 54;

(*f*) contravenes any provision of,

(i) section 46,

(ii) subsection 2 of section 49,

(iii) subsection 3 of section 50,

(iv) subsection 4, 7 or 8 of section 52,

(v) subsection 1 of section 53,

(vi) subsection 14 of section 69,

and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation or in such furnishing of false information, failure, hindrance, obstruction or interference or attempted hindrance, obstruction or interference or contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than $1,000 or, except for a contravention of subsection 2 of section 49, to imprisonment for a term of not more than one year, or to both.

Idem

(2) Every person who contravenes the provisions of,

(*a*) subsection 2 of section 47; or

(*b*) subsection 1 or 2 of section 65,

and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corpora-

tion is guilty of an offence and on summary conviction by the court is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than two years, or to both.

Idem

(3) Every person who contravenes the provisions of subsection 1 of section 48 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or to both, and for any subsequent offence to a fine of not more than $2,000 or to imprisonment for a term of not more than two years, or to both.

Idem

(4) Every person who contravenes the provisions of subsection 1 of section 60 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than $5,000 for each day on which such offence continues or to imprisonment for a term of not more than three years, or to both.

Idem

(5) Every person who contravenes the provisions of subsection 1 of section 67 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than three years, or to both.

Idem

(6) Every person who contravenes subsection 7 of section 57, and every director, officer or employee of a corporation who knowingly concurs in such a contravention by the corporation, is guilty of an offence and on summary conviction by the court is liable to a fine of not more than $10,000, or to imprisonment for a term of not more than three years, or both. *New.*

Injunction proceedings

95.—(1) The society having the care, custody or supervision of the child may apply to the Supreme Court by originating notice for an order enjoining any person acting in contravention of section 46, and the Supreme Court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court.

Idem

(2) The adoption agency that placed the child for adoption may apply to the Supreme Court by originating notice for an

order enjoining any person acting in contravention of subsection 14 of section 69, and the Supreme Court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court.

(3) A Director may apply to the Supreme Court by originating notice for an order enjoining any person acting in contravention of subsection 1 of section 60, and the Supreme Court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgement of the Supreme Court. Idem

(4) Any person may apply to the Supreme Court for an order varying or discharging any order made under subsection 1, 2 or 3. *New.* Idem

96. The following are repealed: Repeals

1. *The Child Welfare Act,* being chapter 64, of the Revised Statutes of Ontario, 1970.

2. *The Child Welfare Amendment Act, 1972,* being chapter 109.

3. *The Child Welfare Amendment Act, 1973,* being chapter 75.

4. *The Child Welfare Amendment Act, 1975,* being chapter 1.

5. Paragraph 6 of the Schedule to *The Age of Majority and Accountability Act, 1971,* being chapter 98.

97. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

98. The short title of this Act is *The Child Welfare Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revise
The Child Welfare Act

1st Reading

June 8th, 1978

2nd Reading

June 19th, 1978

3rd Reading

December 12th, 1978

THE HON. KEITH C. NORTON
Minister of Community and
Social Services

1978

BILL 115

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise The Children's Mental Health Centres Act

THE HON. KEITH C. NORTON
Minister of Community and Social Services

TORONTO
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BILL 115 **1978**

An Act to revise The Children's Mental Health Centres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "approved children's mental health centre" means a children's mental health centre approved under section 6;

(*b*) "approved corporation" means a corporation approved under section 5;

(*c*) "children's mental health centre" means all or any part of a building or buildings maintained and operated to provide services for children suffering from mental, emotional or psychiatric disorders or any combination thereof;

(*d*) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;

(*e*) "Minister" means the Minister of Community and Social Services;

(*f*) "Ministry" means the Ministry of Community and Social Services;

(*g*) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 68, s. 1; R.S.O. 1970, c. 69, s. 1; 1972, c. 1, s. 1, *amended*.

2.—(1) The Minister may appoint one or more persons to act as a Director. Appointment of Director

Duties of Director

(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder.

Acting Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister designates. *New.*

Centres established by Minister

3. The Minister, with the approval of the Lieutenant Governor in Council, may establish, operate and maintain one or more children's mental health centres. R.S.O. 1970, c. 68, s. 3; R.S.O. 1970, c. 69, s. 2 (1), *amended.*

Existing hospitals to continue

4.—(1) Subject to this Act and the regulations, a hospital established under section 2 of *The Children's Mental Hospitals Act*, being chapter 69 of the Revised Statutes of Ontario, 1970 or designated under the regulations made under that Act before this Act comes into force, shall be deemed to continue as a children's mental health centre under section 3 of this Act until the establishment or designation is revoked by the Lieutenant Governor in Council.

Board of governors to continue

(2) Subject to this Act and the regulations, a board of governors appointed under section 4 of *The Children's Mental Hospitals Act*, being chapter 69 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to continue as a board under this Act as if section 4 of *The Children's Mental Hospitals Act* were in force, until the appointment of the board is revoked by the Lieutenant Governor in Council.

Children's mental health centres to continue

(3) Subject to this Act and the regulations, a children's mental health centre designated as such by the regulations under *The Children's Mental Health Centres Act*, being chapter 68 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to be an approved children's mental health centre until the approval is suspended or revoked.

Corporations to continue

(4) Subject to this Act and the regulations, a corporation that operates a children's mental health centre designated as such by the regulations under *The Children's Mental Health Centres Act*, being chapter 68 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to be an approved corporation until the approval is suspended or revoked. *New.*

Approval of corporations

5.—(1) Where the Minister is satisfied that any corporation is, with financial assistance under this Act and the regu-

lations, financially capable of establishing, maintaining and operating a children's mental health centre and that its affairs are carried on under competent management in good faith, the Minister may approve the corporation for the purposes of this Act and the regulations.

Funding of corporations

(2) Where the Minister intends to approve a corporation under subsection 1, the Minister may enter into an agreement with the corporation for the establishment of a children's mental health centre upon such terms and conditions as may be agreed and may direct payment of expenditures as are necessary for the purpose. *New.*

Approval of buildings

6.—(1) Where the Minister is satisfied that all or any part of a building or buildings is suitable for providing services as a children's mental health centre in accordance with this Act and the regulations and that there is a need for a children's mental health centre in the area served or to be served by the centre, the Minister may approve all or any part of the building or buildings, as the case may be, as a children's mental health centre and assistance may be given under this Act and the regulations for the maintenance and operation of the children's mental health centre.

Effective date of approval

(2) An approval given under subsection 1 or under section 5 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date on which the approval given under section 5 to the corporation maintaining and operating the children's mental health centre takes effect. *New.*

Suspension and revocation of approvals

7.—(1) Subject to this section, any approval given under section 5 or 6 may be suspended or revoked by the Minister where,

(*a*) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or

(*b*) the approval would be refused if application were being made for it in the first instance.

Notice of proposal to suspend or revoke

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval given under section 5 or 6,

the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

Notice requiring hearing

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.

Powers of Minister where no hearing

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing.

Hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked.

Idem

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry.

Application of 1971, c. 47

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report to Minister

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out,

(*a*) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and

(*b*) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

Decision of Minister

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's

decision to the persons affected, specifying the reasons therefor.

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, a threat to the health, safety or welfare of the children in the children's mental health centre and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. *New.* Provisional suspension of approval

8. In determining need for the purposes of sections 6 and 7, the Minister shall take into account in addition to all other relevant considerations, Determination of need

(*a*) the services for children provided in approved children's mental health centres that exist;

(*b*) the services for children that are available other than in approved children's mental health centres;

(*c*) the number of children requiring the services of children's mental health centres;

(*d*) the predictable continuing demand for children's mental health centres,

in the area, or in the area and any other area served or to be served by the children's mental health centre,

(*e*) the relative priority of the program of the children's mental health centre in relation to all other programs for children funded by the Ministry;

(*f*) the funds available to provide continuing services for children in approved children's mental health centres; and

(*g*) the place or places of residence of the children served or to be served by the children's mental health centre. *New.*

9.—(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation. Program adviser

Remuneration and expenses

(2) The remuneration and expenses of any person appointed under subsection 1 who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall be paid out of the moneys appropriated therefor by the Legislature.

Powers of program advisers

(3) A program adviser may at all reasonable times and, upon producing proper identification,

(*a*) enter any children's mental health centre and inspect the facilities, the services provided and the books of account and other records therein; and

(*b*) inspect the books of account and other records of an approved corporation that pertain to a children's mental health centre. R.S.O. 1970, c. 68, s. 17 (1, 2).

Access for inspections

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 3 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom.

Obstructing inspection

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. *New.*

By-laws

10. The by-laws of every approved corporation shall contain such provisions regarding the formation and composition of the board of directors of the approved corporation as the regulations prescribe and a certified copy of the by-laws and any amendments thereto shall be filed with a Director forthwith after they are made. *New.*

Purchase of services

11. The Minister may, by written agreement or otherwise and upon such terms and conditions as may be agreed, purchase from any person, services for or on behalf of children suffering from mental, emotional or psychiatric disorders or any combination thereof and may direct payment of expenditures as are necessary for the purpose. *New.*

Regulations

12. The Lieutenant Governor in Council may make regulations governing the management, operation and use of approved children's mental health centres and classes thereof, and, without limiting the generality of the foregoing, may make regulations,

(*a*) governing the admission of persons to and their discharge from approved children's mental health

centres, prescribing the conditions of eligibility and procedures for such admission and discharge;

(*b*) exempting designated,

(i) approved corporations, or

(ii) approved children's mental health centres,

or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;

(*c*) governing the accommodation, facilities, equipment and services to be provided in approved children's mental health centres or any class thereof;

(*d*) prescribing the qualifications of persons employed in approved children's mental health centres or any class thereof and prescribing the powers and duties of such persons;

(*e*) governing the establishment, location and construction of approved children's mental health centres or any class thereof and their alteration and renovation;

(*f*) prescribing the classes of payments by way of provincial aid to any approved corporation, or approved children's mental health centre or class thereof and the methods of determining the amounts of payments and providing for the manner and time of payment and the terms and conditions for the payment thereof and the suspension and withholding of payments and for the making of deductions from payments;

(*g*) prescribing additional powers and duties of program advisers;

(*h*) prescribing provisions to be included in the by-laws of approved corporations;

(*i*) prescribing the accounts and records to be kept, claims, returns and reports to be made and requiring budgets to be submitted by approved children's mental health centres and approved corporations;

(*j*) prescribing forms and providing for their use;

(*k*) for the purposes of this Act and the regulations, defining "services" and "facilities" and prescribing classes of services and facilities;

(*l*) establishing procedures by which a determination may be made by a person or persons of services that shall be provided in exceptional cases by an approved children's mental health centre or any class thereof and prescribing the person or persons who shall make such determination and what constitutes exceptional cases;

(*m*) prescribing programs to be provided in an approved children's mental health centre or any class thereof;

(*n*) prescribing additional powers and duties of a Director;

(*o*) requiring approved corporations and approved children's mental health centres to provide such information as is prescribed and prescribing the persons to whom such information is to be given. R.S.O. 1970, c. 68, s. 21 (1); R.S.O. 1970, c. 69, s. 9; 1971, c. 50, s. 20 (6), *amended*.

Service

13.—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date. *New*.

Offences

14.—(1) Every person who,

(*a*) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(*b*) contravenes any provision of section 9,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, or contravention by the corporation, is guilty of an offence and on summary conviction by the court is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than two years, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $10,000 and not as provided therein. R.S.O. 1970, c. 68, s. 20, *amended*. Corporations

15. The following are repealed: Repeals

1. *The Children's Mental Health Centres Act*, being chapter 68 of the Revised Statutes of Ontario, 1970.

2. Section 20 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

3. Subsections 1, 2 and 5 of section 1 of *The Children's Services Transfer Act, 1977*, being chapter 22.

4. *The Children's Mental Hospitals Act*, being chapter 69 of the Revised Statutes of Ontario, 1970.

16. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

17. The short title of this Act is *The Children's Mental Health Services Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revise
The Children's Mental Health Centres Act

1st Reading

June 8th, 1978

2nd Reading

June 20th, 1978

3rd Reading

November 30th, 1978

THE HON. KEITH C. NORTON
Minister of Community and
Social Services

BILL 116 1st reading Leg. Leg. Sessions

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Unified Family Court Act, 1976

THE HON. KEITH C. NORTON
Minister of Community and Social Services

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 116 1978

An Act to amend The Unified Family Court Act, 1976

IER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as lows:

1. Subsection 1 of section 17 of *The Unified Family Court Act, 1976*, being chapter 85, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed. s. 17 (1), repealed

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

3. The short title of this Act is *The Unified Family Court Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

The Unified Family Court Act, 1976

1st Reading

June 8th, 1978

2nd Reading

June 19th, 1978

3rd Reading

November 30th, 1978

THE HON. KEITH C. NORTON
Minister of Community and
Social Services

1978

BILL 117

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise The Children's Institutions Act

THE HON. KEITH C. NORTON
Minister of Community and Social Services

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 117 **1978**

An Act to revise The Children's Institutions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "approved children's institution" means a children's institution approved under section 3;

(*b*) "approved corporation" means a corporation approved under section 2;

(*c*) "child" means a person under eighteen years of age;

(*d*) "children's institution" means all or any part of a building or buildings maintained and operated by an approved corporation for children and other persons requiring sheltered, specialized or group care but does not include,

(i) a charitable institution under *The Charitable Institutions Act*, R.S.O. 1970, c. 62

(ii) a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act, 1978*, 1978, c. ...

(iii) a day nursery established and operated under *The Day Nurseries Act, 1978*, 1978, c. ...

(iv) a children's mental health centre under *The Children's Mental Health Services Act, 1978*, 1978, c. ...

(v) a home for retarded persons under *The Homes for Retarded Persons Act*, R.S.O. 1970, c. 204

R.S.O. 1970, c. 270

(vi) an institution under *The Mental Hospitals Act*,

R.S.O. 1970, c. 361

(vii) a private hospital under *The Private Hospitals Act*,

R.S.O. 1970, c. 363

(viii) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1970, c. 378

(ix) a hospital under *The Public Hospitals Act*,

R.S.O. 1970, c. 422

(x) a sanatorium under *The Sanatoria for Consumptives Act*;

(*e*) "Minister" means the Minister of Community and Social Services;

(*f*) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 66, s. 1; 1971, c. 98, s. 4, Sched., par. 7; 1972, c. 1, s. 19 (3); 1972, c. 58, s. 1, *amended*.

Approval of corporations

R.S.O. 1970, c. 89

2.—(1) Where the Minister is satisfied that any corporation without share capital having objects of a charitable nature to which Part III of *The Corporations Act* applies or that is incorporated under a general or special Act of the Parliament of Canada is, with financial assistance under this Act and the regulations, financially capable of establishing, maintaining and operating a children's institution and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act and the regulations. 1971, c. 50, s. 19 (1), *amended*.

Funding of corporations

(2) Where the Minister intends to approve a corporation under subsection 1, the Minister may enter into an agreement with the corporation for the establishment of a children's institution upon such terms and conditions as may be agreed and may direct payment of expenditures as are necessary for the purpose. *New*.

Approval of children's institutions

3.—(1) Where the Minister is satisfied that all or any part of a building or buildings is suitable for providing accommodation as a children's institution in accordance with this Act and the regulations and that there is a need for a children's institution in the area served or to be served by the institution, the Minister may approve all or any part of the building or buildings, as the case may be, as a children's institution and assistance may be given under this Act and the regulations for the maintenance and operation of the children's institution.

(2) An approval given under subsection 1 or under section 2 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date on which the approval given under section 2 to the corporation maintaining and operating the children's institution takes effect. 1971, c. 50, s. 19 (2), *amended*. Effective date of approval

4. The by-laws of every approved corporation shall contain such provisions as the regulations prescribe and a certified copy of the by-laws and any amendment thereto shall be filed with the Minister forthwith after they are made. R.S.O. 1970, c. 66, s. 4, *amended*. By-laws

5.—(1) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building, the structural alteration or the renovation or the furnishing and equipping of a building by an approved corporation for use in whole or in part as a children's institution, the Minister may direct payment to the approved corporation out of moneys appropriated therefor by the Legislature of an amount determined in accordance with the regulations, towards the cost of the new building, addition, acquisition, structural alteration, renovation or furnishing and equipping, as the case may be, that is applicable to the children's institution. Capital payments

(2) An amount payable to an approved corporation under this section shall be paid at the time or times and in the manner as is prescribed by the regulations. 1972, c. 58, s. 2, *part*, *amended*. Time and manner of payment

6. There shall be paid to every approved corporation, an amount determined in accordance with the regulations towards the cost incurred for services provided by the corporation for children and other persons or classes of persons prescribed by the regulations. 1972, c. 58, s. 3, *amended*. Payment for operating and maintenance costs

7.—(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation. Program adviser

(2) The remuneration and expenses of any person appointed under subsection 1 who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall Remuneration and expenses

be paid out of the moneys appropriated therefor by the Legislature.

Powers of program advisers

(3) A program adviser may, at all reasonable times and upon producing proper identification, enter any children's institution and inspect the facilities, the services provided and the books of account and other records therein.

Access for inspections

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 3 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom.

Obstructing inspection

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. R.S.O. 1970, c. 66, s. 8, *amended*.

Suspension and revocation of approvals

8.—(1) Subject to this section, any approval given under section 2 or 3 may be suspended or revoked by the Minister where,

(*a*) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or

(*b*) the approval would be refused if application were being made for it in the first instance.

Notice of proposal to suspend or revoke

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval given under section 2 or 3, the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

Notice requiring hearing

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing. Powers of Minister where no hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked. Hearing

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry. Idem

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. Application of 1971, c. 47

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out, Report to Minister

(*a*) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and

(*b*) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's decision to the persons affected, specifying the reasons therefor. Decision of Minister

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. 1971, c. 50, s. 19 (3); 1972, c. 1, s. 19 (3), *amended*. Provisional suspension of approval

Determination of need

9. In determining need for the purposes of sections 3 and 8, the Minister shall take into account in addition to all other relevant considerations,

(*a*) the services for children provided in approved children's institutions that exist;

(*b*) the services for children that are available other than in approved children's institutions;

(*c*) the number of children requiring the services of children's institutions;

(*d*) the predictable continuing demand for children's institutions,

in the area, or in the area and any other area served or to be served by the children's institution,

(*e*) the relative priority of the program of the children's institution in relation to all other programs for children funded by the Ministry;

(*f*) the funds available to provide continuing services for children in approved children's institutions; and

(*g*) the place or places of residence of the children served or to be served by the children's institutions. *New.*

Regulations

10. The Lieutenant Governor in Council may make regulations, governing the management, operation and use of approved children's institutions or any class thereof and without limiting the generality of the foregoing may make regulations,

(*a*) exempting designated approved corporations or approved children's institutions or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;

(*b*) establishing an advisory board consisting of not more than three persons and prescribing its duties;

(*c*) governing the accommodation, facilities, equipment and services to be provided in approved children's institutions;

(*d*) governing the establishment, management, operation, location and construction of approved children's institutions or any class thereof and their alteration and renovation;

(*e*) governing the admission of persons to and their discharge from approved children's institutions, prescribing the conditions of eligibility and procedures for such admission and discharge;

(*f*) prescribing the qualifications of persons employed in approved children's institutions or any class thereof and prescribing the powers and duties of such persons;

(*g*) requiring and prescribing medical and other related or ancillary services for the care and treatment of children and other persons in approved children's institutions or in any class thereof;

(*h*) governing applications by approved corporations for payments under this Act and prescribing the method, time, manner and the terms and conditions for the payment thereof and providing for the suspension and withholding of payments and for the making of deductions from payments;

(*i*) defining criteria that shall be used by the Minister in determining need under subsection 1 of section 3;

(*j*) prescribing classes of persons other than children for whom payment shall be made under section 6;

(*k*) prescribing the manner of computing the costs for the purposes of sections 5 and 6 and prescribing classes of payment for the purposes of those sections and determining the amount of any such payment;

(*l*) requiring approved corporations and approved children's institutions to provide such information as is prescribed and prescribing the persons to whom such information is to be given;

(*m*) prescribing the accounts and records to be kept by approved corporations and approved children's institutions, the claims, returns and reports to be made and budgets to be submitted to the Minister by approved corporations and the method, time and manner in which such claims, returns and reports shall be made;

(*n*) providing for the recovery by an approved corporation or Ontario from the person or persons in whose charge a child is or from the estate of such person or persons of any amount paid by the corporation or by Ontario to the corporation for the cost of the care and maintenance of the child in an approved children's institution and prescribing the circumstances and the manner in which any such recovery may be made;

(*o*) prescribing additional powers and duties of program advisers;

(*p*) prescribing forms and providing for their use;

(*q*) establishing procedures by which a determination may be made by a person or persons of services that shall be provided in exceptional cases by an approved children's institution or any class thereof and prescribing the person or persons who shall make such determination and what constitutes exceptional cases;

(*r*) providing for the recovery of payments made to approved corporations under this Act and the regulations. R.S.O. 1970, c. 66, s. 10; 1971, c. 50, s. 19 (4); 1972, c. 58, s. 4, *amended*.

Service

11.—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice or order until a later date. *New*.

Offences

12. Every person who,

(*a*) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(*b*) contravenes any provision of section 7,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, or contravention by the corporation, is guilty of an offence and on summary conviction by the court is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than two years, or to both.

13. The following are repealed: Repeals

1. *The Children's Institutions Act*, being chapter 66 of the Revised Statutes of Ontario, 1970.

2. *The Children's Institutions Amendment Act, 1972*, being chapter 58.

3. Section 19 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

4. Paragraph 7 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

15. The short title of this Act is *The Children's Institutions Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revise
The Children's Institutions Act

1st Reading

June 8th, 1978

2nd Reading

June 20th, 1978

3rd Reading

November 30th, 1978

THE HON. KEITH C. NORTON
Minister of Community and
Social Services

BILL 118

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise The Children's Boarding Homes Act

THE HON. KEITH C. NORTON
Minister of Community and Social Services

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 118 **1978**

An Act to revise The Children's Boarding Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Board" means The Children's Services Review Board established under section 3;

(*b*) "child" means a boy or girl actually or apparently under eighteen years of age;

(*c*) "children's residence" means all or any part of a building or buildings in which three or more children not of common parentage reside away from the home of their parents or guardians primarily for the purpose of receiving residential care, and includes a foster home or any other home or institution in which three or more children not of common parentage reside and that is supervised or operated by a children's aid society under *The Child Welfare Act, 1978*, whether or not the children are Crown wards or wards of the society, but does not include, 1978, c.

(i) a house that is licensed under *The Private Hospitals Act*, R.S.O. 1970, c. 361

(ii) a day nursery within the meaning of *The Day Nurseries Act, 1978*. 1978, c.

(iii) a summer camp under *The Public Health Act*, R.S.O. 1970, c. 377

(iv) a home for special care under *The Homes for Special Care Act*, R.S.O. 1970, c. 205

1974, c. 109

(v) part of a public school, separate school, private school or a school for trainable retarded children under *The Education Act, 1974*,

(vi) a hostel intended for short-term accommodation, or

(vii) a hospital that is in receipt of financial aid from the Province of Ontario;

(*d*) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;

(*e*) "licence" means a licence issued under this Act;

(*f*) "Minister" means the Minister of Community and Social Services;

(*g*) "Ministry" means the Ministry of Community and Social Services;

(*h*) "operator" means a person who has control or management of a children's residence and "operate" has a corresponding meaning;

(*i*) "regulations" means the regulations made under this Act;

(*j*) "residential care" means boarding or lodging, or both, and may include specialized, sheltered or group care in conjunction with the boarding or lodging, or both. 1971, c. 91, s. 1; 1972, c. 1, ss. 1, 19 (3), *amended*.

Appointment of Director

2.—(1) The Minister may appoint one or more persons to act as a Director. *New*.

Duties of Director

(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder. 1971, c. 91, s. 2, *part*, *amended*.

Acting Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister designates. 1971, c. 91, s. 2, *part*; 1972, c. 1, ss. 1, 19 (3), *amended*.

3.—(1) The Lieutenant Governor in Council may appoint a board to be known as The Children's Services Review Board composed of such number of members as is prescribed by the regulations. Appointment of Children's Services Review Board

(2) A member of the Board may be appointed for a term not exceeding three years. Term of office

(3) Three members of the Board constitute a quorum. Quorum

(4) One of the members of the Board shall be appointed by the Lieutenant Governor in Council to be chairman of the Board and one or more other of the members of the Board may be appointed by the Lieutenant Governor in Council to be vice-chairman of the Board. Chairman and vice-chairman

(5) Each member of the Board shall be paid such *per diem* allowance as the Lieutenant Governor in Council from time to time determines and each member is entitled to the member's reasonable and necessary travelling and living expenses while attending meetings or otherwise engaged in the work of the Board. Remuneration

(6) Where, Absence, etc., of chairman

(*a*) the chairman of the Board is absent or is unable to act, a vice-chairman designated by the chairman; or

(*b*) the office of the chairman of the Board is vacant, a vice-chairman designated by the Minister,

has and shall exercise the jurisdiction and power of the chairman, including the power to complete any unfinished matter.

(7) The chairman shall from time to time assign various members of the Board to its various hearings. *New.* Assignment of members for hearings

4.—(1) No person shall, Licence required

(*a*) establish, operate or maintain a children's residence; or

(*b*) provide, directly or indirectly, residential care for three or more children not of common parentage in a place or places away from the home of their parents or guardians that is not a children's residence,

except under the authority of a licence issued by a Director under this Act.

Issuance of licence

(2) Subject to section 5, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1, as the case may be, and pays the prescribed fee is entitled to be issued a licence by a Director subject to such terms and conditions as the Director may prescribe.

Idem

(3) Notwithstanding subsection 2, a licence to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1, shall not be issued to a partnership or association of persons.

Renewal of licence

(4) Subject to section 5, a Director shall renew a licence of a children's residence or for the provision of residential care, as the case may be, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee, and the renewal shall be subject to such terms and conditions as the Director may prescribe.

Provisional licence

(5) Subject to section 5, where an applicant for a licence or a renewal of a licence does not meet all the requirements for the issuance of a licence or renewal thereof and requires time to meet such requirements, a Director may, subject to such terms and conditions as the Director may prescribe, issue a provisional licence for such period or periods as the Director considers necessary to afford the applicant an opportunity to meet the requirements.

Registration to continue

(6) Notwithstanding the provisions of subsection 3, and subject to this Act and the regulations, a registration to use a premises as a children's boarding home made under *The Children's Boarding Homes Act*, being chapter 65 of the Revised Statutes of Ontario, 1970, before this Act comes into force shall be deemed to continue until the expiration thereof unless sooner surrendered or revoked.

Not transferable

(7) A licence is not transferable.

Notice of change

(8) Where the licensee is a corporation, the licensee shall notify a Director in writing within fifteen days of any change in the officers or directors of the corporation. *New.*

Grounds for refusal

5.—(1) Subject to section 6, a Director may refuse to issue a licence where in the Director's opinion,

(*a*) the applicant or any employee of the applicant or, where the applicant is a corporation, its officers,

directors or employees is or are not competent to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1 of section 4, as the case may be, in a responsible manner in accordance with this Act and the regulations;

(*b*) the past conduct of the applicant or any employee of the applicant or, where the applicant is a corporation, of its officers, directors or employees, affords reasonable grounds for belief that the children's residence will not be established, operated or maintained or the residential care provided, as the case may be, in accordance with this Act and the regulations; or

(*c*) the building or buildings or accommodation in which the applicant proposes to establish, operate or maintain the children's residence or to provide the residential care referred to in clause *b* of subsection 1 of section 4, as the case may be, does not comply with the requirements of this Act and the regulations. 1971, c. 50, s. 18 (4), *part, amended.*

Revocation or refusal to renew

(2) Subject to section 6, a Director may refuse to renew or may revoke a licence issued to a children's residence or for the provision of residential care, where in the Director's opinion,

(*a*) the licensee or any employee of the licensee, or where the licensee is a corporation, any officer, director or employee thereof, has contravened or has knowingly permitted any person under the control or direction of or associated with the licensee, officer, director or employee, as the case may be, to contravene,

(i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the establishing, operating or maintaining of the children's residence or the providing of residential care, as the case may be, or

(ii) any term or condition of the licence;

(*b*) the building or buildings or accommodation in which the children's residence is established, operated or maintained or the residential care is provided, does not comply with the requirements of this Act and the regulations;

(*c*) the children's residence is established, operated or maintained or the residential care is provided in a manner that is prejudicial to the health, safety or welfare of the children cared for in the children's residence or place or places where the residential care is provided;

(*d*) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the children's residence or the provision of residential care, as the case may be; or

(*e*) a change in the officers or directors of the applicant would, if the applicant were applying for the licence in the first instance, afford grounds for refusing to issue a licence under clause *b* of subsection 1. 1971, c. 50, s. 18 (4), *part, amended.*

Notice of proposal to refuse to issue or to revoke

6.—(1) Where a Director proposes under section 5 to refuse to issue a licence or to refuse to renew or revoke a licence issued under that section, the Director shall cause notice to be served of the Director's proposal, together with written reasons therefor, on the applicant or the licensee, as the case may be.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that the applicant or licensee is entitled to a hearing by the Board if the applicant or licensee mails or delivers, within fifteen days after the notice is served on the applicant or licensee, notice in writing to the Director and to the Board, requiring a hearing and the applicant or licensee, as the case may be, may so require such a hearing.

Powers of Director where no hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the Director's notice under subsection 1 without a hearing.

Powers of Board where hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, at the hearing, may by order direct the Director to carry out the Director's proposal or refrain from carrying out the Director's proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and, for such purposes, the Board may sub-

stitute its opinion for that of the Director. 1971, c. 50, s. 18 (4), *part, amended.*

7.—(1) Where a licensee is dissatisfied with the terms and conditions prescribed by a Director under subsection 2, 4 or 5 of section 4, the licensee may, within 15 days after the licence is received by the licensee, by written notice given to the Director and the Board, require a hearing by the Board and the Board shall appoint a time for and hold a hearing. Review of terms of licence by Board

(2) The Board, pursuant to a hearing under subsection 1, may affirm the terms and conditions prescribed for the licence by a Director under subsection 2, 4 or 5 of section 4 or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in lieu of those prescribed by the Director as it considers proper. Decision of Board

(3) For the purposes of subsection 1, a licence shall be deemed to be received by a licensee on the tenth day after the day of mailing of the licence unless the person to whom the licence is issued establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the licence until a later date. *New.* Receipt of licence

8.—(1) The Board may extend the time for requiring a hearing under section 6 or 7, either before or after expiration of the time fixed in section 6 or 7, as the case may be, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing

(2) Subject to section 9, where, within the time prescribed therefor or, if no time is prescribed, before expiration of a licence, a licensee has applied for renewal of a licence and paid the prescribed fee, the licence shall be deemed to continue, Continuation of licence pending renewal

(*a*) until the renewal is granted; or

(*b*) where the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision. 1971, c. 50, s. 18 (4), *part, amended.*

Provisional suspension, etc.

9. Notwithstanding section 6, a Director may, by causing notice to be served on a licensee and without a hearing, provisionally suspend the licence of the licensee where in the opinion of the Director the operation of the children's residence or the provision of residential care is an immediate threat to the health, safety or welfare of the children cared for in the children's residence or the place or places where residential care is provided, as the case may be, and the Director so states in such notice giving reasons therefor, and, upon suspension, the provisions of section 6 apply as if the notice given under this section were a notice of a proposal under subsection 1 of section 6 to revoke the licence. 1971, c. 50, s. 18 (4), *part, amended.*

Parties

10.—(1) The Director referred to in section 6 or 9, as the case may be, the applicant or licensee who has applied for the hearing and such other persons as may be specified by the Board are parties to proceedings before a Board under this Act.

Members holding hearing not to have taken part in investigation, etc.

(2) A member of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate, directly or indirectly, in relation to the subject-matter of the hearing with any person or with any party or the parties' representative except upon notice to and giving opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Examination of documentary evidence

(3) An applicant or licensee who is a party to proceedings under section 6 or 7 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the contents of which will be given in evidence at the hearing.

Recording of evidence

(4) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Divisional Court.

Findings of fact

1971, c. 47

(5) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only members at hearing to participate in decision

(6) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present

throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Final decision of Board

(7) Notwithstanding section 21 of *The Statutory Powers Procedure Act, 1971*, the Board shall reach a final decision or order and send notice thereof within ninety days from the date that the notice under section 6 or 7, as the case may be, requesting the hearing, has been received by the Board. *New.*

Appeal to court

11.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Record to be filed in court

(2) Where notice of an appeal is served under this section, the Board shall forthwith file with the Registrar of the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with the transcript of evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

Minister entitled to be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, on the argument of an appeal under this section.

Powers of court on appeal

(4) The Divisional Court may affirm the decision of the Board appealed from or may rescind it and make such new decision as the court considers proper and, for such purpose, the court may exercise all the powers of the Board after a hearing before it and may substitute its opinion for that of the Board. *New.*

Removal of children

12. Where the licence to operate a children's residence or to provide residential care, as the case may be, is suspended or revoked, the parent or guardian of each child in the children's residence or in receipt of residential care shall arrange for the removal of the child as soon as is practicable having regard to the best interests of the child, and the Minister may assist in finding alternative residential care for the child. *New.*

Warrant for entry and occupation

13.—(1) The Minister may, at any time,

(*a*) during the course of proceedings under sections 6 to 11; or

(*b*) where a licence to operate a children's residence or to provide residential care, as the case may be, is suspended or revoked,

apply *ex parte* to the county or district court of the county or district in which the children's residence is situate, or where the residential care is provided, for a warrant directing the sheriff to put the Minister or persons authorized by the Minister in occupation of the children's residence or the place or places where the residential care is provided, pending the outcome of the proceedings, or when the revocation becomes final, as the case may be, until alternative accommodation may be found for the children who are being cared for and where the court is satisfied that it is necessary for the health, safety or welfare of the children being cared for, the court may issue a warrant and the sheriff shall forthwith execute the warrant and make a return to the court of the execution thereof.

Interim management R.S.O. 1970, c. 154

(2) Where a warrant has been issued under subsection 1, the Minister may, notwithstanding sections 25 and 40 of *The Expropriations Act*, immediately occupy and operate or arrange for the occupation and operation by a person designated by the Minister of the children's residence or place or places where the residential care is provided for a period not exceeding six months, but all the rights of the owner under that Act, except those rights necessary to permit occupation and operation of the residence, including occupation and operation beyond the expiration of the term of any lease, are preserved.

Records

(3) Where a licence to operate a children's residence or to provide residential care, as the case may be, is revoked, the operator and owner of the residence shall, where requested by the Minister, hand over to the Minister, or a person designated by the Minister, all the records that are in the possession or control of the operator or owner, as the case may be, and that pertain to the children in the residence. *New.*

Program adviser

14.—(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation.

Remuneration and expenses

(2) The remuneration and expenses of any person appointed under subsection 1 who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall be paid out of the moneys appropriated therefor by the Legislature.

Powers of program advisers

(3) A program adviser may, at all reasonable times and upon producing proper identification, enter any children's residence or premises where the residential care described

in clause *b* of subsection 1 of section 4 is provided that the program adviser on reasonable and probable grounds believes is being used as a children's residence or to provide residential services and inspect the facilities, the services provided and the books of account, and other records therein.

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 1 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom. **Access for inspections**

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. *New.* **Obstructing inspection**

15.—(1) A Director may apply to the Supreme Court by originating notice for an order enjoining any person, **Injunction proceedings**

(*a*) acting in contravention of subsection 1 of section 4; or

(*b*) operating a children's residence or providing residential care where the person's licence has been provisionally suspended under section 9,

and the court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court.

(2) Any person may apply to the Supreme Court for an order varying or discharging any order made under subsection 1. *New.* **Idem**

16. The Lieutenant Governor in Council may make regulations governing the management, operation and use of children's residences, and premises where residential care is provided under the authority of a licence and classes of either of them, and, without limiting the generality of the foregoing, may make regulations, **Regulations**

(*a*) defining "common parentage" for the purposes of clause *c* of section 1 and clause *b* of subsection 1 of section 4;

(*b*) prescribing additional powers and duties of a Director;

(*c*) prescribing additional powers and duties of program advisers;

(*d*) governing the issuance, renewal and expiration of licences referred to in section 4 and the fees payable by an applicant for a licence or renewal thereof;

(*e*) governing the establishment of and the accommodation, facilities, equipment and services to be provided in,

(i) a children's residence, and

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof;

(*f*) exempting designated,

(i) children's residences, or

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;

(*g*) prescribing the accounts and records to be kept and the returns and reports by licensees;

(*h*) prescribing the qualifications of persons supervising children in,

(i) a children's residence, or

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof and prescribing the powers and duties of such persons;

(*i*) governing the admission to and discharge of children from,

(i) children's residences, or

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof and procedures for such admission and discharge;

(*j*) requiring the operators of children's residences, or premises where residential care is provided under the authority of a licence to provide such information as is prescribed and prescribing the persons to whom such information is to be given;

(*k*) prescribing additional powers, duties and procedures of the Board;

(*l*) prescribing forms and providing for their use. R.S.O. 1970, c. 65, s. 14; 1971, c. 50, s. 18 (5); 1971, c. 91, s. 6, *amended*.

Service

17.—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice or order until a later date. *New*.

Offence

18.—(1) Every person who contravenes,

(*a*) any provision of subsection 1 of section 4;

(*b*) any term or condition of a licence relating to the maximum number of children to be cared for in a children's residence or place where residential care is provided; or

(*c*) causes a child to be cared for in a children's residence or place where residential care is provided that is required to be licensed and that is not licensed under this Act and every parent or guardian or other person who is under a legal duty to provide for a child and who permits the child to be cared for in such a residence or place,

and every director, officer or employee of a corporation who knowingly concurs in such contravention or causing by the corporation is guilty of an offence and on summary con-

viction by the court is liable to a fine of not more than $1,000 for each day on which such offence continues or to imprisonment for a term of not more than one year, or to both.

Idem

(2) Every person who,

(*a*) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with a warrant, order or direction made by any court of competent jurisdiction under this Act; or

(*c*) contravenes any provision of section 14,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, failure or contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than two years, or to both.

Repeals

19. The following are repealed:

1. *The Children's Boarding Homes Act,* being chapter 65 of the Revised Statutes of Ontario, 1970.

2. *The Children's Boarding Homes Amendment Act, 1971,* being chapter 91.

3. Subsections 2 to 5 of section 18 of *The Civil Rights Statute Law Amendment Act, 1971,* being chapter 50.

Commencement

20. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

21. The short title of this Act is *The Children's Residential Services Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revise
The Children's Boarding Homes
Act

1st Reading

June 8th, 1978

2nd Reading

June 20th, 1978

3rd Reading

November 30th, 1978

THE HON. KEITH C. NORTON
Minister of Community and
Social Services

1978

BILL 119 1st reading Feb. 7th, 1978

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Provincial Courts Act

THE HON. KEITH C. NORTON
Minister of Community and Social Services

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 119 1978

An Act to amend The Provincial Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor: s. 21, re-enacted

21.—(1) In this section and sections 21*b* and 22, "Minister" means the Minister of Community and Social Services. Interpretation

(2) The Minister may establish, operate and maintain observation and detention homes upon such terms and conditions as the Minister considers necessary. Observation and detention homes established

(3) A detention and observation home in existence on the date this section comes into force shall be deemed to have been established by the Minister under this section and to continue as an observation and detention home under this Act. Idem

(4) The Minister may, by written agreement or otherwise with any person upon such terms and conditions as may be agreed, provide for the establishment, operation and maintenance of observation and detention homes and for the provision of services in such observation and detention homes. Agreements

(5) The Minister may appoint one or more persons to act as a Director for the purpose of providing general supervision and direction over observation and detention homes. Appointment of Director

2. The said Act is amended by adding thereto the following sections: ss. 21*a*, 21*b*, enacted

Admission and discharge from observation and detention homes

R.S.C. 1970, cc. J-3, C-34, 1978, c.
R.S.O. 1970, c. 467

21*a*. Subject to the provisions of the *Juvenile Delinquent Act* (Canada), the *Criminal Code* (Canada), *The Chil Welfare Act, 1978* and *The Training Schools Act*, no chil shall be admitted to or discharged from an observation an detention home except by order of a judge of the provincia court (family division) or a judge of the Unified Family Court

Powers and duties of super-intendent

21*b*.—(1) There shall be a superintendent for each observa tion and detention home established under section 21 o designated under section 22 who shall perform the dutie imposed and may exercise the powers conferred upon th superintendent by the Minister or a Director appointed by th Minister under subsection 5 of section 21.

Super-intendent to have care, custody and control

1978, c.

R.S.O. 1970, c. 467

(2) The superintendent of an observation and detentio home shall have the temporary care, custody and control of child committed to or placed in the observation an detention home, other than a child detained under Part I of *The Child Welfare Act, 1978* or who is a Crown ward unde *The Training Schools Act*, during the period of time that th child remains in the observation and detention home.

Apprehen-sion of child

(3) A police officer, a superintendent of an observatio and detention home or any other person designated by th superintendent who has reasonable and probable ground to believe that a child committed to or placed in the observa tion and detention home has left the observation an detention home prior to the child's discharge therefro without the consent of,

(*a*) the superintendent;

(*b*) where the child has been detained under Part II o *The Child Welfare Act, 1978*, the children's ai society having care, custody and control of the chil

(*c*) where the child is a Crown ward under *The Trainin Schools Act*, the area administrator having car custody and control of the child,

may apprehend the child with or without a warrant and arrang for the child to be brought back to the observation an detention home.

Warrant to apprehend child

(4) A warrant referred to in subsection 3 may be issue by a justice of the peace on information laid before th justice on oath that the child has left the observation an detention home without the consent of the superintender or the children's aid society or area administrator referred in subsection 3, as the case may be.

(5) A person authorized by a warrant issued under subsection 4 may enter, if need be by force, any house, building or other place specified in the warrant and may search for and remove the child therefrom. Right of entry

3. Section 22 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor: s. 22, re-enacted

22. The Minister may designate any place, house, home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada) and such detention home shall be deemed to be an observation and detention home under this Act. Detention homes R.S.C. 1970, c. J-3

4. Section 23 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed. s. 23, repealed

5. Subsection 1 of section 28 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is further amended by adding thereto the following clauses: s. 28 (1), amended

(*ga*) prescribing additional powers and duties of superintendents of observation and detention homes;

(*gb*) governing the procedures for admission to and discharge of children from observation and detention homes or any class thereof;

(*gc*) defining "services" for the purposes of section 21 and prescribing the terms and conditions upon which such services may be provided;

(*gd*) prescribing the classes of payments by way of provincial aid to any observation and detention home and the methods of determining the amounts of payments and providing for the manner and time of payment and the terms and conditions of the payment thereof and the suspension and withholding of payments and for the making of deductions from payments.

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

7. The short title of this Act is *The Provincial Courts Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1978

Roderick Lewis

CLERK

An Act to amend
The Provincial Courts Act

1st Reading

June 8th, 1978

2nd Reading

June 20th, 1978

3rd Reading

November 30th, 1978

THE HON. KEITH C. NORTON
Minister of Community and
Social Services

BILL 120

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise The Day Nurseries Act

THE HON. KEITH C. NORTON
Minister of Community and Social Services

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 120 **1978**

An Act to revise The Day Nurseries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "approved corporation" means a corporation that,

(i) has been approved under section 6, and

(ii) that is specified in the regulations or that is a member of a class prescribed in the regulations;

(*b*) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1970, c. I-6

(*c*) "Board" means the Children's Services Review Board established under *The Children's Residential Services Act, 1978*; 1978, c. ...

(*d*) "day nursery" means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,

(i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and

(ii) under ten years of age in all other cases,

but does not include,

(iii) part of a public school, separate school, private school or a school for trainable retarded children under *The Education Act, 1974*, 1974, c. 109

(iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 8*b* of *The Ministry of Culture and Recreation Act, 1974*, or

1974, c. 120

R.S.O. 1970, c. 68

(v) a children's mental health centre under *The Children's Mental Health Services Act, 1978*;

(*e*) "developmental handicap" means a condition of mental impairment present or occurring during a person's formative years, that is associated with limitations in adaptive behaviour;

(*f*) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;

(*g*) "in-home services" means services provided for a child,

(i) in the child's own home, or

(ii) in a place other than the child's own home where the child is receiving residential care;

(*h*) "licence" means a licence issued under this Act;

(*i*) "Minister" means the Minister of Community and Social Services;

(*j*) "Ministry" means the Ministry of Community and Social Services;

(*k*) "municipality" means a city, town, village, township or county and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;

(*l*) "operator" means a person who has control or management of a day nursery or a private-home day care agency and "operate" has a corresponding meaning;

(*m*) "private-home day care" means the temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours;

(*n*) "private-home day care agency" means a person who provides private-home day care at more than one location;

(*o*) "regulations" means the regulations made under this Act;

(*p*) "residential care" means boarding or lodging, or both, and may include specialized, sheltered or group care in conjunction with the boarding or lodging, or both. 1971 (2nd Sess.), c. 11, s. 1; 1972, c. 1, s. 1; 1973, c. 77, s. 1, *amended*.

Appointment of Director

2.—(1) The Minister may appoint one or more persons to act as a Director. *New*.

Duties of Director

(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder. 1973, c. 77, s. 6, *amended*.

Acting Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister may designate. R.S.O. 1970, c. 104, s. 4 (2), *amended*.

Establishment of day nurseries by municipalities

3.—(1) The council of a municipality may, subject to this Act and the regulations, by by-law provide for the establishment of day nurseries.

By-laws re grants

(2) The council of a municipality may pass by-laws granting aid to day nurseries.

Agreements to provide day nurseries

(3) The council of a municipality may, subject to this Act and the regulations, enter into an agreement with the operator of a day nursery for the furnishing of day nursery services for such children as is agreed upon, and the municipality may make expenditures as are necessary for the purpose. R.S.O. 1970, c. 104, s. 2 (1-3), *amended*.

Establishment, etc., of day nurseries by Minister

(4) The Minister may,

(*a*) with the approval of the Lieutenant Governor in Council, establish day nurseries in areas without municipal organization;

(*b*) enter into an agreement with the operator of a day nursery for the furnishing of day nursery services for such children residing in areas without municipal organization as is agreed upon; and

(*c*) direct payment of expenditures as are necessary for the purposes of clauses *a* and *b*. 1971 (2nd Sess.), c. 11, s. 2, *amended*.

By-laws re grant

4.—(1) The council of a municipality may pass by-laws granting aid to any person providing private-home day care.

Agreement to furnish private-home day care

(2) The council of a municipality may enter into an agreement with any person for the furnishing of private-home day care, and the municipality may make expenditures as are necessary for the purpose.

Agreement with Minister

(3) The Minister may enter into an agreement with any person for furnishing private-home day care in areas without municipal organization and may direct payment of expenditures as are necessary for the purpose. 1971, c. 93, s. 2, *amended*.

Agreement to purchase in-home services

5.—(1) The council of a municipality may enter into an agreement to purchase in-home services for a child from any person and may direct payment of expenditures as are necessary for the purpose.

Idem

(2) The Minister may enter into an agreement to purchase in-home services for a child from any person and may direct payment of expenditures as are necessary for the purpose.

Agreement to purchase services

(3) The Minister may enter into an agreement to purchase services for a child enrolled in a day nursery or in receipt of private-home day care and may direct payment of expenditures as are necessary for the purpose. *New*.

Approval of corporations

6.—(1) Where the Minister is satisfied that any corporation is, with financial assistance under this Act and the regulations, financially capable of establishing, maintaining and operating a day nursery and that its affairs are carried on under competent management in good faith, the Minister may approve the corporation for the payment of grants under this Act and the regulations. 1973, c. 77, s. 2, *amended*.

Funding of corporations

(2) Where the Minister intends to approve a corporation under subsection 1 the Minister may enter into an agreement with the corporation for the establishment of a day nursery upon such terms and conditions as may be agreed and may direct payment of expenditures as are necessary for the purpose. *New*.

Suspension and revocation of approvals

7.—(1) Subject to this section, any approval given under section 6 may be suspended or revoked by the Minister where,

(*a*) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or

(*b*) the approval would be refused if application were being made for it in the first instance. 1971 (2nd Sess.), c. 11, s. 3, *part*; 1973, c. 77, s. 3 (1).

Notice of proposal to suspend or revoke

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval of a corporation given under this Act, the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

Notice requiring hearing

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.

Powers of Minister where no hearing

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing.

Hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked.

Idem

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry. *New.*

Application of 1971, c. 47

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. 1971 (2nd Sess.), c. 11, s. 3, *part, amended.*

Report to Minister

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out,

(*a*) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and

(*b*) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

Decision of Minister

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's decision to the persons affected, specifying the reasons therefor.

Provisional suspension of approval

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. 1971 (2nd Sess.) c. 11, s. 3, *part, amended.*

Payments

8.—(1) There shall be paid to every municipality an amount determined in accordance with the regulations towards the cost incurred,

(*a*) for the operation and maintenance of a day nursery established by the municipality; and

(*b*) under an agreement entered into pursuant to,

(i) subsection 3 of section 3, or

(ii) subsection 2 of section 4, or subsection 1 of section 5. 1971, c. 93, s. 3, *part*; 1971 (2nd Sess.), c. 11, s. 4 (1); 1973, c. 77, s. 4 (1), *amended.*

Payments to bands

(2) There shall be paid to every band an amount determined in accordance with the regulations towards the cost incurred,

(*a*) for the operation and maintenance of a day nursery established by the council of the band; and

(*b*) under agreements entered into by the council of the band,

(i) with the operator of a day nursery for the furnishing of services for such children as is agreed upon,

(ii) with any person for the furnishing of private-home day care, or

(iii) with any person to purchase in-home services for a child. 1971, c. 93, s. 3, *part, amended.*

Payment to approved corporations

(3) There shall be paid to every approved corporation an amount determined in accordance with the regulations for the

operation and maintenance of a day nursery maintained and operated by the corporation. 1971 (2nd Sess.), c. 11, s. 4 (2); 1973, c. 77, s. 4 (2), *amended*.

Time and manner of payment

(4) An amount payable to a municipality, a band or an approved corporation under this section,

(*a*) shall be paid at the time or times and in the manner as is prescribed by the regulations; and

(*b*) may in special circumstances be paid in respect of persons,

(i) who are in receipt of private-home day care and have a developmental handicap, in addition to those persons described in clause *m* of section 1, and

(ii) who are under twelve years of age and are enrolled in a day nursery or in receipt of private-home day care and who do not have a developmental handicap, in addition to those persons described in subclause ii of clause *d* and clause *m* of section 1;

(*c*) shall, in respect of a child who is,

(i) enrolled in a day nursery and who attains the age of eighteen years where the child has a developmental handicap or attains the age of ten years where the child does not have a developmental handicap,

(ii) in receipt of private-home day care and attains the age of ten years,

(iii) a person referred to in subclause i of clause *b* where there are special circumstances, and who attains the age of eighteen years, or

(iv) a person referred to in subclause ii of clause *b* where there are special circumstances, and who attains the age of twelve years,

be paid in respect of such child,

(v) where the child attains such age after the commencement of the school year and before the 1st day of January in the school year, until the 1st day of January, or

(vi) where the child attains such age in a school year after the 1st day of January in the

school year, until the completion of the school year. *New.*

Capital payments

9.—(1) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building, the structural alteration or the renovation or the furnishing and equipping of a building by a municipality, band or approved corporation for use in whole or in part as a day nursery, the Minister may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature of an amount determined in accordance with the regulations towards the cost of the new building, addition, acquisition, structural alteration, renovation or furnishing and equipping, as the case may be, that is applicable to the day nursery. 1973, c. 77, s. 5, *amended.*

Time and manner of payment

(2) An amount payable to a municipality, a band or an approved corporation under this section shall be paid at the time or times and in the manner as is prescribed by the regulations. 1971 (2nd Sess.), c. 11, s. 5, *part, amended.*

Approval of sale, etc.

10.—(1) No municipality, band or approved corporation shall change the site, structure or use of, or sell, lease, mortgage or otherwise dispose of any part of or interest in any day nursery, in respect of which the municipality, band or approved corporation, as the case may be, has received payment under section 9, without the approval in writing of a Director, and such approval may be made subject to such conditions for repayment in whole or in part of any such payment as the Director considers advisable.

Recovery of whole or part of payment

(2) Where a municipality, band or approved corporation changes the site, structure or use of, or sells, leases, mortgages or otherwise disposes of any part of, or interest in any day nursery without the approval of a Director, or where such approval has been given, is in default of any condition for repayment imposed under subsection 1, the whole or any part of any payment under section 9 in respect of the day nursery may be recovered as a debt due to the Crown from the municipality, band or approved corporation, as the case may be,

(*a*) out of moneys payable by Ontario to the municipality, band or approved corporation under the authority of any Act; or

(*b*) by proceedings in any court of competent jurisdiction. 1971 (2nd Sess.), c. 11, s. 5, *part, amended.*

Licence required

11.—(1) No person shall establish, operate or maintain a day nursery or a private-home day care agency, as the case

may be, except under the authority of a licence issued by a Director under this Act.

(2) Subject to section 12, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a day nursery or a private-home day care agency, as the case may be, and pays the prescribed fee is entitled to be issued a licence by a Director subject to such terms and conditions as the Director may prescribe. Issuance of licence

(3) Notwithstanding subsection 2, a licence to establish, operate or maintain a day nursery or a private-home day care agency shall not be issued to a partnership or association of persons. Idem

(4) Subject to section 12, a Director shall renew a licence of a day nursery or a private-home day care agency, as the case may be, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee and the renewal shall be subject to such terms and conditions as the Director may prescribe. Renewal of licence

(5) Subject to section 12, where an applicant for a licence or a renewal of a licence does not meet all the requirements for the issuance of a licence or renewal thereof and requires time to meet such requirements, a Director may, subject to such terms and conditions as the Director may prescribe, issue a provisional licence for such period or periods as the Director considers necessary to afford the applicant an opportunity to meet the requirements. Provisional licence

(6) Notwithstanding the provisions of subsection 3, and subject to this Act and the regulations, a licence to operate a day nursery issued under *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970, before this Act comes into force shall be deemed to continue until the expiration thereof unless sooner surrendered or revoked. Licence to continue

(7) A licence is not transferable. Not transferable

(8) Where the licensee is a corporation, the licensee shall notify a Director in writing within fifteen days of any change in the officers or directors of the corporation. *New.* Notice of change

12.—(1) Subject to section 13, a Director may refuse to issue a licence where in the Director's opinion, Grounds for refusal

(*a*) the applicant or any employee of the applicant or, where the applicant is a corporation, its officers, directors or employees is or are not competent to establish, operate or maintain a day nursery or a

private-home day care agency, as the case may be, in a responsible manner in accordance with this Act and the regulations;

(*b*) the past conduct of the applicant or any employee of the applicant or, where the applicant is a corporation, of its officers, directors or employees, affords reasonable grounds for belief that the day nursery or the private-home day care agency, as the case may be, will not be established, operated or maintained in accordance with this Act and the regulations; or

(*c*) the building or buildings or accommodation in which the applicant proposes to establish, operate or maintain the day nursery or provide private-home day care, as the case may be, does not comply with the requirements of this Act and the regulations. 1971, c. 50, s. 25 (2), *part, amended.*

Revocation or refusal to renew

(2) Subject to section 13, a Director may refuse to renew or may revoke a licence issued to a day nursery or a private-home day care agency, where in the Director's opinion,

(*a*) the licensee or any employee of the licensee, or where the licensee is a corporation, any officer, director or employee thereof, has contravened or has knowingly permitted any person under the control or direction of or associated with the licensee, officer, director or employee, as the case may be, to contravene,

(i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the establishment, operation or maintenance of the day nursery or the provision of private-home day care, as the case may be, or

(ii) any term or condition of the licence;

(*b*) the building or buildings or accommodation in which the day nursery is established, operated or maintained or the private-home day care is provided, does not comply with the requirements of this Act and the regulations;

(*c*) the day nursery is established, operated or maintained or the private-home day care is provided in a manner that is prejudicial to the health, safety or welfare of the children cared for in the day nursery

or in the place or places where private-home day care is provided;

(*d*) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the day nursery or private-home day care agency, as the case may be; or

(*e*) a change in the officers or directors of the applicant would, if the applicant were applying for the licence in the first instance, afford grounds for refusing to issue a licence under clause *b* of subsection 1. 1971, c. 50, s. 25 (2), *part, amended*.

Notice of proposal to refuse to issue or to revoke

13.—(1) Where a Director proposes under section 12 to refuse to issue a licence or to refuse to renew or revoke a licence issued under that section, the Director shall cause notice to be served of the Director's proposal together with written reasons therefor, on the applicant or the licensee, as the case may be.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that the applicant or licensee is entitled to a hearing by the Board if the applicant or licensee mails or delivers, within fifteen days, after the notice is served on the applicant or licensee, notice in writing to the Director and to the Board, requiring a hearing and the applicant or licensee, as the case may be, may so require such a hearing. 1971, c. 50, s. 25 (2), *part, amended*.

Powers of Director where no hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the Director's notice under subsection 1 without a hearing.

Powers of Board where hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, at the hearing, may by order direct the Director to carry out the Director's proposal or refrain from carrying out the Director's proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and, for such purposes, the Board may substitute its opinion for that of the Director.

Application of 1978, c. ...

(5) Sections 8, 10 and 11 of *The Children's Residential Services Act, 1978* apply with necessary modifications to

proceedings before the Board, to the powers of the Board under this Act and to appeals therefrom. *New*.

Continuation of licence pending renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiration of a licence, a licensee has applied for renewal of a licence and paid the prescribed fee, the licence shall be deemed to continue,

(*a*) until the renewal is granted; or

(*b*) where the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision.

Review of terms of licence by Board

14.—(1) Where a licensee is dissatisfied with the terms and conditions prescribed by a Director under subsection 2, 4 or 5 of section 11, the licensee may, within 15 days after the licence is received by the licensee, by written notice given to the Director and the Board, require a hearing by the Board and the Board shall appoint a time for and hold a hearing.

Decision of Board

(2) The Board, pursuant to a hearing under subsection 1, may affirm the terms and conditions prescribed for the licence by a Director under subsection 2, 4 or 5 of section 11 or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in lieu of those prescribed by the Director as it considers proper. 1971, c. 50, s. 25 (2), *part, amended*.

Receipt

(3) For the purposes of subsection 1, a licence shall be deemed to be received by a licensee on the tenth day after the day of mailing of the licence unless the person to whom the licence is issued establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the licence until a later date. *New*.

Directions where threat to children

15.—(1) Where, in the opinion of a Director, there is a threat to the health, safety or welfare of the children cared for in a day nursery or in receipt of private-home day care from a private-home day care agency, as the case may be, the Director shall,

(*a*) give such direction or directions in writing as the Director considers necessary to the operator or to any person on the premises of the day nursery or

premises where private-home day care is provided who appears to be in charge of the children being cared for, directing the operator or person in charge, as the case may be, immediately or within such period of time as the Director specifies to eliminate the threat to the health, safety, or welfare of the children or to protect the children from such threat,

and may,

(*b*) direct in writing that the day nursery shall not be used as a day nursery or that private-home day care not be provided on the premises that is the subject of the direction referred to in clause *a* until the Director's direction or directions are complied with.

Notice to parents, etc.

(2) Where the Director gives a direction under clause *b* of subsection 1, the Director may,

(*a*) notify the parents or guardians of the children enrolled in the day nursery or in receipt of private-home day care, as the case may be, of the direction; and

(*b*) cause to be affixed to the premises of the day nursery or premises where private-home day care is provided, as the case may be, a notice in the prescribed form and no person except the Director or a program adviser designated under section 16 shall remove the notice unless authorized by the Director or a program adviser.

Suspension of licence

(3) Notwithstanding section 13, where a direction is given by the Director under subsection 1, the licence of the day nursery or private-home day care agency, as the case may be, shall be deemed to be suspended without a hearing until the Director is satisfied that the direction has been complied with and upon suspension the provisions of section 13 apply as if the direction were a notice of a proposal to revoke the licence under subsection 1 of section 13. 1973, c. 77, s. 8, *amended*.

Program adviser

16.—(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the

Minister may set out in the designation. R.S.O. 1970, c. 104, s. 15 (1), *amended*.

Remuneration and expenses

(2) The remuneration and expenses of any person appointed under subsection 1 who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall be paid out of the moneys appropriated therefor by the Legislature.

Powers of program advisers

(3) A program adviser may at all reasonable times and upon producing proper identification enter any day nursery or any private-home day care agency or premises used by a private-home day care agency to provide private-home day care, or any premises that the program adviser on reasonable and probable grounds believes is being used as a day nursery or private-home day care agency or is being used to provide private-home day care by a private-home day care agency and inspect the facilities, the services provided and the books of account, and other records in any such premises. *New*.

Access for inspections

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 3 and shall produce and permit inspection of the books of account, enrolment records and other records therein and supply extracts therefrom. R.S.O. 1970, c. 104, s. 15 (2), *amended*.

Obstructing inspection

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. 1971 (2nd Sess.), c. 11, s. 6, *amended*.

Injunction proceedings

17.—(1) A Director may apply to the Supreme Court by originating notice for an order enjoining any person acting in contravention of subsection 1 of section 11 or subsection 1 of section 15, and the court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court.

Idem

(2) Any person may apply to the Supreme Court for an order varying or discharging any order made under subsection 1. 1973, c. 77, s. 11, *amended*.

Regulations

18. The Lieutenant Governor in Council may make regulations governing the management, operation and use of

day nurseries and private-home day care agencies and classes of either of them and premises where private-home day care is provided by a private-home day care agency and without limiting the generality of the foregoing may make regulations,

(*a*) defining "common parentage" for the purpose of clause *d* of section 1;

(*b*) governing the accommodation, facilities, equipment and services to be provided in,

(i) day nurseries, and

(ii) premises where private-home day care is provided by a private-home day care agency, or any class thereof;

(*c*) governing the establishment, construction, alteration and renovation of,

(i) day nurseries, and

(ii) premises where private-home day care is provided by a private-home day care agency,

or any class thereof;

(*d*) prescribing the conditions to be maintained in private residences where private-home day care is furnished under an agreement between a municipality, a council of the band or the Minister and any person;

(*e*) providing for the inspection of private residences in which private-home day care is furnished under an agreement between a municipality, the council of the band or the Minister and any person;

(*f*) prescribing the qualifications of persons supervising children in a day nursery or any class thereof or on a premises where private-home day care is provided under an agreement between a municipality, the council of the band or the Minister and any person;

(*g*) establishing and approving courses of instruction for persons supervising children in day nurseries or any class thereof or on premises where private-home day care is provided and providing for the granting of certificates to those persons who have satisfactorily completed the course of instruction or who otherwise meet the prescribed qualifications;

(*h*) governing the issuance, renewal and expiration of licences and the fees payable by an applicant for a licence or renewal thereof;

(*i*) governing applications by municipalities, bands and approved corporations for payments under this Act and prescribing the method, time, manner and the terms and conditions for the payment thereof and providing for the suspension and withholding of payment and for the making of deductions from payments;

(*j*) requiring the approval of the Minister of budgets submitted and expenditures incurred for the purposes of this Act and the regulations by municipalities, bands and approved corporations;

(*k*) prescribing classes of corporations with members that may be approved under section 6 and specifying corporations not members of such classes that may be approved under section 6;

(*l*) prescribing classes of payment for the purposes of section 8 and determining the amount of any such payment;

(*m*) prescribing the manner of computing costs for the purposes of sections 8 and 9;

(*n*) prescribing classes of capital payment for the purposes of section 9, the circumstances under which any such payment or class thereof may be paid, and determining the amounts of any such payments or classes thereof;

(*o*) prescribing the accounts and records to be kept, claims, returns, and reports to be made and information to be provided and requiring budgets to be submitted by municipalities, bands, approved corporations, private-home day care agencies and day nurseries and prescribing to whom such information is to be provided;

(*p*) governing the confidentiality of,

(i) accounts and records required to be kept and claims, returns and reports to be made under this Act and the regulations, and

(ii) information provided to a day nursery or a private-home day care agency;

(*q*) prescribing the amounts to be contributed towards the cost of private-home cay care or services provided in a day nursery on behalf of persons in receipt of such services, and prescribing persons required to contribute such amounts;

(*r*) prescribing forms and providing for their use;

(*s*) prescribing additional powers and duties of a Director;

(*t*) prescribing the terms and conditions upon which in-home services or any class thereof may be provided and prescribing the class or classes of persons who may be eligible for such in-home services;

(*u*) for the purposes of this Act and the regulations, defining "services" and "facilities" and prescribing classes of services and facilities;

(*v*) prescribing terms and conditions to be included in any agreement entered into under section 3, 4 or 5;

(*w*) exempting designated approved corporations, day nurseries, municipalities, bands, or private-home day care agencies from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;

(*x*) governing the fees that shall be charged for services provided for private-home day care or in a day nursery;

(*y*) prescribing additional powers and duties of program advisers;

(*z*) prescribing "special circumstances" for the purposes of clause *b* of subsection 4 of section 8. R.S.O. 1970, c. 104, s. 16; 1971, c. 50, s. 25 (3); 1971, c. 93, s. 4; 1971 (2nd Sess.), c. 11, s. 7; 1973, c. 77, s. 9, *amended*.

Application for assistance

19. An application for assistance towards the cost of private-home day care or services provided in a day nursery on behalf of persons in receipt of such services may be made,

(*a*) where the services are provided in a day nursery operated by a municipality, band or approved corporation or under an agreement entered into under subsection 3 of section 3, to the person who plans

and directs the program of the day nursery and who is in charge of the children;

(*b*) where the assistance is for private-home day care under an agreement entered into under subsection 3 of section 4, to the person who plans and directs the day care program and carries out visits of inspection;

(*c*) to a municipal welfare administrator, a regional welfare administrator or a welfare administrator for an approved band, as the case may be; or

(*d*) to any person designated in writing by the Minister. *New.*

Service

20.—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date. *New.*

Offence

21.—(1) Every person who,

(*a*) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(*b*) contravenes the provisions of subsection 1 of section 11;

(*c*) fails to comply with a direction of the Director under section 15; or

(*d*) fails to comply with an order made by a court under section 17,

and every director, officer or employee of a corporation who knowingly concurs in such contravention or failure by the

corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than $1,000 for each day on which such offence continues or to imprisonment for a term of not more than one year, or to both.

(2) Every person who contravenes the provisions of section 16 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1970, c. 104, s. 17 (2), *amended*. Idem

22. The following are repealed: Repeals

1. *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970.

2. *The Day Nurseries Amendment Act, 1971*, being chapter 93.

3. *The Day Nurseries Amendment Act, 1971 (No. 2)*, being chapter 11.

4. *The Day Nurseries Amendment Act, 1973*, being chapter 77.

5. Subsections 2 and 3 of section 25 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

23. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

24. The short title of this Act is *The Day Nurseries Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revise
The Day Nurseries Act

1st Reading

June 8th, 1978

2nd Reading

June 20th, 1978

3rd Reading

November 30th, 1978

THE HON. KEITH C. NORTON
Minister of Community and
Social Services

1978

BILL 121 1 Rec. in Leg. Leg. Sitten

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the Township of Pelee

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 121 **1978**

An Act respecting the Township of Pelee

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Township of Pelee may pass by-laws establishing a ferry service servicing the ports referred to in section 2, acquiring, operating, maintaining and disposing of the ferries, land, equipment and machinery in conjunction thereto and establishing the rates of ferriage to be taken thereon. By-laws establishing ferry service

2. The Township of Pelee has the power to operate the ferry service referred to in section 1 between the Township of Pelee, the Towns of Leamington and Kingsville in the Province of Ontario and the City of Sandusky in the State of Ohio in the United States of America, in so far as the Legislative authority of the Legislature extends to confer such power. Power to operate ferry service

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is *The Township of Pelee Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 29 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Township of Pelee

1st Reading

June 8th, 1978

2nd Reading

June 16th, 1978

3rd Reading

June 16th, 1978

THE HON. J. W. SNOW
Minister of Transportation and
Communications

1978

BILL 122 1st rd. in Leg. Leg. Ass. this

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Co-operative Corporations Act, 1973

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 122 1978

An Act to amend The Co-operative Corporations Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5 of *The Co-operative Corporations Act, 1973*, being chapter 101, is repealed and the following substituted therefor: s. 5 (1), re-enacted

Articles of incorporation

(1) Five or more persons, being,

(*a*) corporations; or

(*b*) natural persons who are of the age of eighteen years or more,

and who intend to be members of the co-operative, may incorporate a co-operative with or without share capital by signing and delivering to the Minister in duplicate articles of incorporation.

(2) Subclause ii of clause *b* of subsection 3 of the said section 5 is repealed. s. 5 (3) (*b*) (ii), repealed

(3) Subsection 6 of the said section 5 is repealed and the following substituted therefor: s. 5 (6), re-enacted

Affidavits

(6) The signature of each incorporator and of each first director and the fact that,

(*a*) each incorporator who is a natural person and each first director is of the age of eighteen years or more; and

(*b*) each incorporator is to be a member of the co-operative,

shall be verified by affidavit.

s. 7 (5), re-enacted

2. Subsection 5 of section 7 of the said Act is repealed and following substituted therefor:

Use of "Incorporated", "Corporation"

(5) Subject to subsection 6, the name of a co-operat incorporated after the 31st day of March, 1974 shall h the word "Incorporated" or "Corporation" or its correspo ing abbreviation "Inc." or "Corp." as the last word thereo

s. 24 (1) (*d*, *e*), re-enacted

3.—(1) Clauses *d* and *e* of subsection 1 of section 24 of the s Act are repealed and the following substituted therefor:

(*d*) where a member is a co-operative, the election appointment of delegates and alternate delegates represent the member co-operative on the basis the number of members in the member co-opera or the volume of business done with the co-operat or both;

(*e*) the method of electing or appointing delegates the number of delegates.

s. 24 (3), re-enacted

(2) Subsection 3 of the said section 24 is repealed and following substituted therefor:

Qualification of delegates

(3) No person shall be elected or appointed a dele who is not a member, officer or director of the co-opera or of a member co-operative.

s. 32 (1) (*a*), re-enacted

4.—(1) Clause *a* of subsection 1 of section 32 of the said Ac repealed and the following substituted therefor:

(*a*) with the consent of the holder thereof, may p chase all or a part of the shares in the co-opera held by any person upon payment of such amount to that person as is agreed upon not exc ing the par value of the shares together with dividends declared but unpaid.

s. 32 (3) (*b*) (ii), re-enacted

(2) Subclause ii of clause *b* of subsection 3 of the said sec 32 is repealed and the following substituted therefor:

(ii) the board of directors may resell the sh at such time as it determines for a sideration equal to the product of the nun of shares resold multiplied by the par v thereof.

s. 33 (2), re-enacted

5. Subsection 2 of section 33 of the said Act is repealed and following substituted therefor:

(2) Shares accepted under subsection 1 are not thereby cancelled and the board of directors may sell the shares at such time as it determines for a consideration equal to the product of the number of shares sold multiplied by the par value thereof. Sale of donated shares

. Section 34 of the said Act is repealed and the following substituted therefor: s. 34, re-enacted

34.—(1) No co-operative or person shall sell, dispose of, or accept directly or indirectly any consideration for securities of the co-operative where the co-operative has more than fifteen security holders, or where the sale or disposition of or acceptance of consideration for such securities would have the effect of increasing the number of security holders in the co-operative to more than fifteen, unless the co-operative has filed with the Minister an offering statement and has obtained a receipt therefor. Offering statement

(2) Subsection 1 does not apply to, Exception

(*a*) the issue of shares under subsection 1 of section 56 or of debt obligations under subsection 4 of section 56; or

(*b*) a co-operative that has filed with the Ontario Securities Commission both a preliminary prospectus and a prospectus in respect of the offering of its securities and receipts therefor have been obtained from the Director of the Ontario Securities Commission and copies thereof have been filed with the Minister.

. Subsection 1 of section 39 of the said Act is amended by striking out "at least" in the second line. s. 39 (1), amended

. Section 41 of the said Act is repealed and the following substituted therefor: s. 41, re-enacted

41.—(1) A co-operative may provide by by-law for the payment of commissions to persons in consideration of their procuring subscriptions for shares in the co-operative, but no such commission shall exceed 10 per cent of the par value of the shares. Commission on sale of shares

(2) Except as provided in subsection 1, no co-operative shall apply any of its shares or capital, either directly or indirectly, in payment of any commission to any person in consideration of his procuring subscriptions for shares of the co-operative, whether the shares or capital is so applied by being added No unauthorized commission

to the purchase money of any property acquired by th co-operative or to the contract price of any work to b executed for the co-operative, or is paid out of the nomina purchase money or contract price or otherwise.

s. 43, re-enacted

9. Section 43 of the said Act is repealed and the following sub stituted therefor:

Lien on shares

43. Where a member is indebted to the co-operative fo goods or services, and where the articles or by-laws s provide, the co-operative has a lien to the extent of the deb on the shares registered in the name of the member.

s. 49 (1), amended

10.—(1) Subsection 1 of section 49 of the said Act is amende by striking out "8" in the fifth line and inserting in lie thereof "10".

s. 49, amended

(2) The said section 49 is amended by adding thereto th following subsection:

Termination of membership

(3) Where a member of a co-operative without shar capital,

(*a*) has failed to transact any business with the co operative for a period of two years; or

(*b*) is a corporate member about to be dissolved,

then the directors of the co-operative may, by resolution passe by a majority of the board, terminate the membership an upon termination the co-operative, subject to section 6 shall repay to the member the amount outstanding on loans t the co-operative that are repayable on demand by th member together with interest accrued thereon.

s. 54 (*b*), re-enacted

11. Clause *b* of section 54 of the said Act is repealed and th following substituted therefor:

(*b*) provide for the payment of dividends on the sha capital at a rate not to exceed 10 per cent per annu of the amount paid up thereon or of the par valu thereof, whichever is the lesser.

s. 56 (4), amended

12. Subsection 4 of section 56 of the said Act is amended b striking out "8" in the seventh line and inserting in lieu there "10".

s. 57 (2) (*a*), amended

13. Clause *a* of subsection 2 of section 57 of the said Act amended by striking out "8" in the second line and insertin in lieu thereof "10".

14. Subsection 2 of section 58 of the said Act is amended by striking out "8" in the first line and inserting in lieu thereof "10". s. 58 (2), amended

15. Subsection 4 of section 64 of the said Act is repealed and the following substituted therefor: s. 64 (4), re-enacted

(4) Notwithstanding subsection 3, a member who has given notice under subsection 1 may elect in such notice to retain all or some of his shares or loans in the co-operative, but such election shall not entitle him to remain a member of the co-operative. Election by member

16.—(1) Subsection 1 of section 67 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 67 (1), amended

(1) A co-operative shall not exercise its powers under subsection 3 of section 49, section 64 or 66, Where repayment not to be made

. . . . .

(2) Subclause ii of clause *b* of subsection 2 of the said section 67 is repealed and the following substituted therefor: s. 67 (2) (*b*) (ii), re-enacted

(ii) the board of directors may resell the shares at such time as it determines for a consideration equal to the product of the number of shares resold multiplied by the par value thereof.

17. Section 83 of the said Act is repealed and the following substituted therefor: s. 83 re-enacted

83. Where a person holds shares or a member loan as a personal representative of a member, the personal representative is entitled to vote at all meetings of members. Personal representative may vote

18. Section 104 of the said Act is repealed and the following substituted therefor: s. 104, re-enacted

104. The members may, by resolution passed by a majority of the votes cast at a general meeting duly called for that purpose, remove any director before the expiration of his term of office and may, by a majority of the votes cast at the meeting, elect any qualified person in his stead for the remainder of his term. Removal of directors

19. Section 123 of the said Act is amended by adding thereto the following subsection: s. 123, amended

(1*a*) A co-operative that has never issued securities and that at the end of a financial year has less than $5,000 in capital Idem

and less than $5,000 in assets is exempt in respect of that year from sections 124 and 125, subsections 1 and 2 of section 126, section 127 and clause *b* of subsection 1 and subsection 3 of section 128.

s. 130 (2), par. 2, subpar. i, re-enacted

20. Subparagraph i of paragraph 2 of subsection 2 of section 130 of the said Act is repealed and the following substituted therefor:

i. the amount of surplus arising from the reorganization of the co-operative's issued capital, including *inter alia*, the amount of surplus realized on the purchase of shares.

s. 143, re-enacted

21. Section 143 of the said Act is repealed and the following substituted therefor:

Affairs not conducted on co-operative basis

143. Where the Minister is of the opinion that the business and affairs of the co-operative are not being conducted on a co-operative basis, he may, after giving the co-operative an opportunity to be heard,

R.S.O. 1970, c. 53

(*a*) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of *The Business Corporations Act* and when necessary for the purpose, changing the co-operative into a corporation with share capital; or

R.S.O. 1970, c. 89

(*b*) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of Part III of *The Corporations Act* and where necessary for the purpose, changing the co-operative into a corporation without share capital.

s. 144 (1), re-enacted

22. Subsection 1 of section 144 of the said Act is repealed and the following substituted therefor:

Limit to non-member business

(1) Where the Minister is of the opinion that a co-operative has for a period of three years or longer conducted 50 per cent or more of its business with non-members of that co-operative, he may, after giving the co-operative an opportunity to be heard,

R.S.O. 1970, c. 53

(*a*) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of *The Business Corporations Act* and where necessary for the purpose, changing the co-operative into a corporation with share capital; or

(*b*) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of Part III of *The Corporations Act* and where necessary for the purpose, changing the co-operative into a corporation without share capital. R.S.O. 1970, c. 89

23.—(1) Subsection 1 of section 151 of the said Act is amended by adding thereto the following clause: s. 151 (1), amended

(*n*) convert it into a corporation to which Part III of *The Corporations Act* applies. R.S.O. 1970, c. 89

(2) Subsection 2 of the said section 151 is repealed and the following substituted therefor: s. 151 (2), re-enacted

(2) An amendment under subsection 1, except clauses *l*, *m* and *n*, shall be authorized by a special resolution. Authorization

(3) Subsection 3 of the said section 151 is repealed and the following substituted therefor: s. 151 (3), re-enacted

(3) Subject to section 152, an amendment under clause *l*, *m* or *n* of subsection 1 shall be authorized by a resolution of the board of directors and confirmed by at least three-quarters of the votes cast at a general meeting of the members of the co-operative duly called for that purpose. Idem

24.—(1) Subsection 2 of section 162 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 162 (2), amended

(2) The articles or by-laws of a co-operative may provide that, upon the dissolution of the co-operative and after the payment of all debts and liabilities, including any declared and unpaid dividends and the amount paid up on any outstanding shares, which amount shall not exceed the par value thereof, the remaining property of the co-operative or any part thereof may be distributed or disposed of, Distribution of property upon dissolution

. . . . .

(2) Subsection 3 of the said section 162 is repealed and the following substituted therefor: s. 162 (3), re-enacted

(3) In the absence of any provisions in the articles or by-laws permitted by subsection 2, upon the dissolution of the co-operative, the whole of its remaining property shall be distributed equally among the members irrespective of the number of shares or amount of loans, if any, held or made by a member. Idem

s. 164 (1), amended

25. Subsection 1 of section 164 of the said Act is amended by striking out "within one year after the authorization" in the third and fourth lines.

Commencement

26. This Act comes into force on the day it receives Royal Assent.

Short title

27. The short title of this Act is *The Co-operative Corporations Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Co-operative Corporations
Act, 1973

1st Reading

June 9th, 1978

2nd Reading

December 5th, 1978

3rd Reading

December 12th, 1978

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

1978

BILL 123 Pauline Cy. Cy. Sibbon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Game and Fish Act

THE HON. F. S. MILLER
Minister of Natural Resources

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 123 1978

An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 43 of *The Game and Fish Act*, being chapter 186 of the Revised Statutes of Ontario, 1970, is repealed. s. 43, repealed

2.—(1) Paragraph 13 of section 91 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 108, section 10, is repealed and the following substituted therefor: s. 91, par. 13, re-enacted

13. prescribing the number, age or sex of game animals or game birds that may be taken or possessed.

(2) The said section 91, as amended by the Statutes of Ontario, 1973, chapter 108, section 10, is further amended by adding thereto the following paragraphs: s. 91, amended

13*a*. prohibiting the taking or possession of game animals or game birds in excess of the number prescribed under paragraph 13 or 13*c*;

13*b*. prohibiting the taking or possession of any game animal or game bird other than a game animal or game bird of the age or sex prescribed under paragraph 13 or 13*c*;

13*c*. defining "hunting in a party", prescribing the number, age or sex of game animals or game birds that may be taken or possessed by members of a party, designating parts of Ontario where persons may hunt in a party and regulating or prohibiting hunting in a party in any area.

(3) Paragraph 27 of the said section 91 is repealed. s. 91, par. 27, repealed

Commencement

3. This Act comes into force on the day it receives Royal Assen

Short title

4. The short title of this Act is *The Game and Fish Amendme Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23 19 78

Roderick Lew

CLERK
LEGISLATIVE ASSEMBL

1st Reading

June 15th, 1978

2nd Reading

June 22nd, 1978

3rd Reading

June 22nd, 1978

THE HON. F. S. MILLER
Minister of Natural Resources

BILL 124 1 Aud. in Leg. Gr. Sitton

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

THE HON. L. GROSSMAN
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 124 1978

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1977, chapter 3, section 11, is further amended by striking out "and is repealed on the 31st day of December, 1978" in the fifth line and in the amendment of 1977 and inserting in lieu thereof "and is repealed on the 28th day of February, 1979". s. 20 (1), amended

(2) Clause *a* of subsection 2 of the said section 20, as enacted by the Statutes of Ontario, 1977, chapter 3, section 11, is amended by striking out "the 31st day of December, 1977" in the second and third lines and inserting in lieu thereof "the 28th day of February, 1978" and by striking out "the 31st day of December, 1978" in the third and fourth lines and inserting in lieu thereof "the 28th day of February, 1979". s. 20 (2) (*a*), amended

(3) Subclause i of clause *b* of subsection 2 of the said section 20 is amended by striking out "31st day of December, 1978" in the third line and inserting in lieu thereof "28th day of February, 1979". s. 20 (2) (*b*) (i), amended

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Residential Premises Rent Review Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Residential Premises Rent
Review Act, 1975 (2nd Session)

1st Reading

June 16th, 1978

2nd Reading

June 22nd, 1978

3rd Reading

June 22nd, 1978

THE HON. L. GROSSMAN
Minister of Consumer and
Commercial Relations

1978

BILL 126 1 cont. in Leg. Leg. Sess. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Workmen's Compensation Act

THE HON. B. STEPHENSON
Minister of Labour

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 126 1978

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975, chapter 47, section 3, is repealed and the following substituted therefor: s. 36 (1) (*a*), re-enacted

(*a*) the necessary expenses of the burial or cremation of the employee, not exceeding $800.

(2) Clauses *c*, *d* and *f* of subsection 1 of the said section 36, as re-enacted by the Statutes of Ontario, 1974, chapter 70, section 1, are repealed and the following substituted therefor: s. 36 (1) (*c*, *d*, *f*), re-enacted

(*c*) where the widow or widower is the sole dependant, a monthly payment of,

(i) $318, effective the 1st day of July, 1976,

(ii) $344, effective the 1st day of July, 1977, and

(iii) $365, effective the 1st day of July, 1978;

(*d*) where the dependants are a widow or a widower and one or more children, a monthly payment of,

(i) $318 with an additional monthly payment of $86 to be increased upon the death of the widow or widower to $98 for each child under the age of sixteen years, effective the 1st day of July, 1976,

(ii) $344 with an additional monthly payment $93 to be increased upon the death of t widow or widower to $106 for each child und the age of sixteen years, effective the 1st d of July, 1977, and

(iii) $365 with an additional monthly payme of $99 to be increased upon the death of t widow or widower to $113 for each child und the age of sixteen years, effective the 1st d of July, 1978;

. . . . .

(*f*) where there are dependants other than those me tioned in clauses *c*, *d* and *e*, and there are no depen ants who are persons referred to in the said claus a sum reasonable and proportionate to the pecunia loss to such first-mentioned dependants occasion by the death, to be determined by the Board, b not exceeding in the whole,

(i) $318 a month effective the 1st day of Ju 1976,

(ii) $344 a month effective the 1st day of Ju 1977, and

(iii) $365 a month effective the 1st day of Ju 1978.

s. 36 (1) (*e*), re-enacted

(3) Clause *e* of subsection 1 of the said section 36, as enacted by the Statutes of Ontario, 1973, chapter section 1, is repealed and the following substitut therefor:

(*e*) where the dependants are children, for each chi under the age of sixteen years, a monthly payment

(i) $98, effective the 1st day of July, 1976,

(ii) $106, effective the 1st day of July, 1977, a

(iii) $113, effective the 1st day of July, 1978.

Application

(4) Clause *a* of subsection 1 of section 36 of the Act, s re-enacted by subsection 1, applies only where the de occurs on or after the 1st day of July, 1978.

(5) Clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, as re-enacted by subsections 2 and 3, apply to payments accruing after the effective dates, but nothing therein entitles any person to claim additional compensation for any period prior to the effective dates. Idem

(6) The amounts payable under clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, as re-enacted by subsections 2 and 3, do not apply to a lump sum award or to payments due prior to the effective dates. Idem

2.—(1) Subsection 7 of the said section 36, as re-enacted by the Statutes of Ontario, 1975, chapter 47, section 3, is repealed and the following substituted therefor: s. 36 (7), re-enacted

(7) In addition to any other compensation provided for, the widow or widower, or where the employee leaves no widow or widower, the person described in subsection 6, is entitled to a lump sum of $800. Payment of lump sum

(2) Subsection 7 of section 36 of the Act, as re-enacted by subsection 1, applies only where the death occurs on or after the 1st day of July, 1978. Application

3.—(1) Section 42 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, 1974, chapter 70, section 3 and 1975, chapter 47, section 6, is further amended by adding thereto the following subsection: s. 42, amended

(8*c*) The amounts payable under this section shall be increased where the injury occurred, Increase in payments

(*a*) on or before the 31st day of December, 1975, by adding thereto a factor of 11 per cent effective the 1st day of July, 1976;

(*b*) on or before the 31st day of December, 1976, by adding thereto a factor of 8 per cent effective the 1st day of July, 1977; and

(*c*) on or before the 31st day of December, 1977, by adding thereto a factor of 6 per cent effective the 1st day of July, 1978,

but the amounts of compensation to which an employee is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 1 of section 44 which is,

(*d*) effective on the 1st day of July, 1975, for amount accruing in the period from the 1st day of July, 197 to the 30th day of June, 1978; and

(*e*) effective on the 1st day of July, 1978, for amount accruing on and after the 1st day of July, 1978.

s. 42 (9), re-enacted

(2) Subsection 9 of the said section 42, as re-enacted by th Statutes of Ontario, 1975, chapter 47, section 6, i repealed and the following substituted therefor:

Non-application of subss. 4, 6, 8-8*c*, s. 43 (*b*)

(9) Subsections 8, 8*a*, 8*b* and 8*c* do not apply to a lum sum award previously made by the Board under this Par including an award that was previously commuted or pai as a lump sum under subsection 4, an award under sub section 6 or an award under clause *b* of section 43.

s. 43, re-enacted

4.—(1) Section 43 of the said Act, as re-enacted by the Statute of Ontario, 1973, chapter 46, section 2 and amended b 1973, chapter 173, section 1, 1974, chapter 70, section and 1975, chapter 47, section 8, is repealed and th following substituted therefor:

Minimum amount of compensation

43. Notwithstanding anything to the contrary in th Part, the amount of compensation to which an injure employee is entitled shall not be less than,

(*a*) for temporary total disability,

(i) $115 a week where his average earnings a not less than $115 a week, and

(ii) the amount of his earnings where his averag earnings are less than $115 a week,

and for temporary partial disability, a proportiona amount in accordance with the impairment earning capacity; and

(*b*) for permanent disability, the pension computed accordance with sections 42 and 44, but the amou of such pension shall not be less than,

(i) for permanent total disability,

1. $444 a month for the period from t 1st day of July, 1976, to and includi the 30th day of June, 1977,

2. $480 a month for the period from the 1st day of July, 1977, to and including the 30th day of June, 1978, and

3. $509 a month from the 1st day of July, 1978, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause i in accordance with the impairment or earning capacity; or

(*c*) alternatively to subclause i of clause *b*, for permanent total disability the benefits which would have been payable from time to time under clauses *c*, *d* and *e* of subsection 1 of section 36 and under section 38, as if he had died from the injury.

(2) Clause *a* of section 43 of the Act, as re-enacted by subsection 1, applies to accidents occurring on and after the 1st day of July, 1978, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978. Application

(3) Clauses *b* and *c* of the said section 43, as re-enacted by subsection 1, apply to payments accruing on and after the 1st day of July, 1976, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1976. Idem

5.—(1) Subsection 1 of section 44 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1 and 1975, chapter 47, section 10, is further amended by striking out "$15,000" in the amendment of 1975 and inserting in lieu thereof "$16,200". s. 44 (1), amended

(2) Subsection 1 of section 44 of the Act, as amended by subsection 1, applies to accidents occurring on and after the 1st day of July, 1978, but does not apply to a commutation lump sum award previously made, including an award under subsection 4 of section 42, or to an award made under subsection 6 of section 42, or to an award under clause *b* of section 43 of the Act, and nothing in subsection 1 entitles any person to claim additional compensation for any period prior to the 1st day of July, 1978. Application

6.—(1) Clause *b* of subsection 3 of section 51 of the said Act, as re-enacted by the Statutes of Ontario, 1975, chapter 47, s. 51 (3) (*b*), re-enacted

section 12, is repealed and the following substituted therefor:

(*b*) on application, an allowance not exceeding $219 per annum for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding $110 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

. . . . .

Application

(2) Clause *b* of subsection 3 of section 51 of the Act, as re-enacted by subsection 1, applies to payments accruing on and after the 1st day of July, 1978, but nothing therein entitles any person to claim additional payment for any period prior to the 1st day of July, 1978.

1975, c. 47, s. 16, repealed

7. Section 16 of *The Workmen's Compensation Amendment Act, 1975*, being chapter 47, is repealed.

Commencement

8. This Act comes into force on the 1st day of July, 1978.

Short title

9. The short title of this Act is *The Workmen's Compensation Amendment Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Workmen's Compensation Act

1st Reading

June 19th, 1978

2nd Reading

June 23rd, 1978

3rd Reading

June 23rd, 1978

THE HON. B. STEPHENSON
Minister of Labour

1978

BILL 131 1st rd. in Leg. Leg. S. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to establish the City of Hazeldean-March

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 131 **1978**

An Act to establish the City of Hazeldean-March

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On the 1st day of December, 1978, those portions of the Township of Nepean and the Township of Goulbourn described as follows are amalgamated with the Township of March as a city municipality bearing the name of The Corporation of the City of Hazeldean-March. City of Hazeldean-March established

FIRSTLY, part of the Township of Goulbourn, commencing at the northerly angle of the said Township;

THENCE southerly along the easterly boundary of the said Township of Goulbourn to the southeasterly limit of the road allowance between concessions IX and X of the said Township;

THENCE southwesterly along the southeasterly limit of the said road allowance to the southeasterly prolongation of the southwesterly limit of Lot 29 in the said Concession X;

THENCE northwesterly to and along the southwesterly limit of Lot 29 in concessions X, XI and XII to the northwesterly boundary of the said Township of Goulbourn;

THENCE northeasterly along the northwesterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Nepean, commencing at a point in the westerly boundary of the said Township, where it is intersected by the

southerly limit of Lot 27 in Concession VI (Rideau Front) of the said Township;

THENCE easterly along the northerly limit of the Hope Sideroad in the said Concession VI to the westerly limit of the Richmond Road;

THENCE northerly along the westerly limit of the said Richmond Road to the easterly limit of the road allowance between concessions V and VI (Rideau Front) of the said Township;

THENCE northerly along the easterly limit of the said road allowance to the easterly prolongation of the northerly limit of Lot 33 in Concession VI (Rideau Front) of the said Township;

THENCE westerly to and along the northerly limit of Lot 33 in the said Concession VI to the westerly boundary of the said Township of Nepean;

THENCE southerly along the westerly boundary of the said Township to the point of commencement.

Amalgamation deemed by Municipal Board order
R.S.O. 1970, cc. 323, 284

2. For the purposes of every Act, the amalgamation provided for in section 1 shall be deemed to have been effected by order of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 1st day of December, 1978, pursuant to an application made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamation, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Elections in 1978

1977, c. 62

3. The elections for the members of council of the City of Hazeldean-March, the Township of Goulbourn and the Township of Nepean shall be conducted in accordance with *The Municipal Elections Act, 1977* except that the Minister may by order do all such acts and things as may be necessary to establish wards and provide for the number of aldermen or councillors, as the case may be, in the City of Hazeldean-March, the Township of Goulbourn and the Township of Nepean and provide for all such other matters as he considers necessary to hold the elections in the municipalities in the year 1978.

4. On and after the 1st day of December, 1978, the council of the City of Hazeldean-March shall be composed of a mayor who shall be elected by general vote of the electors and six aldermen elected by wards. Composition of council, Hazeldean-March

5. For the purposes of *The Police Act*, the City of Hazeldean-March shall be deemed to be a township municipality. Deemed township for purposes of R.S.O. 1970, c. 351

6. If directed by order of the Minister, a vote of the electors of the municipality as established under section 1, shall be taken at the same time as the election for the council of the municipality in 1978, to determine from among the names designated by the Minister which name the municipality shall bear and, following the vote, the Minister shall by order, Referendum re name

(*a*) confirm the name of the municipality as set out in section 1; or

(*b*) declare the name that the municipality shall bear,

and where a declaration is made under clause *b*, all references to such municipality in this Act shall be deemed to refer to such municipality as designated in the declaration.

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. The short title of this Act is *The City of Hazeldean-March Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23, 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to establish the
City of Hazeldean-March

1st Reading

June 20th, 1978

2nd Reading

June 22nd, 1978

3rd Reading

June 22nd, 1978

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

1978

BILL 137 1 Cont. in Leg. Leg. S. Chin

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

The Metric Conversion Statute Law Amendment Act, 1978

THE HON. L. GROSSMAN
Minister of Industry and Tourism

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 137 1978

The Metric Conversion Statute Law Amendment Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as lows:

PART I

MINISTRY OF AGRICULTURE AND FOOD

1.—(1) Clause *f* of subsection 1 of section 1 of *The Abandoned Orchards Act*, being chapter 1 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970, c. 1 s. 1 (1) (*f*), amended

(*a*) by striking out "one-half acre" in the first line and inserting in lieu thereof "one-fifth hectare"; and

(*b*) by striking out "twenty-six fruit trees per acre" in the fourth line and inserting in lieu thereof "sixty-five fruit trees per hectare".

(2) Subsection 2 of section 1 of the said Act is amended by striking out "300 yards" in the second line and inserting in lieu thereof "275 metres". s. 1 (2), amended

2.—(1) Subsection 2 of section 3 of *The Agricultural Societies Act*, being chapter 15 of the Revised Statutes of Ontario, 1970, is amended by striking out "twenty-five miles" in the second line and inserting in lieu thereof "forty kilometres". R.S.O. 1970, c. 15 s. 3 (2), amended

(2) Paragraph 1 of section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 46, section 2, is amended by striking out "twenty-five miles" in the fifth line and inserting in lieu thereof "forty kilometres". s. 4, par. 1, amended

s. 19 (2), amended

(3) Subsection 2 of section 19 of the said Act, as re-enacte by the Statutes of Ontario, 1974, chapter 46, section 7 is amended by striking out "three hundred yards" in th sixth line and inserting in lieu thereof "275 metres".

R.S.O. 1970, c. 42 s. 5 (1) (*b*), amended

3. Clause *b* of subsection 1 of section 5 of *The Beef Cattle Marketin Act*, being chapter 42 of the Revised Statutes of Ontario, 197 as re-enacted by the Statutes of Ontario, 1974, chapter 4 section 1, is amended,

(*a*) in subclause i, by striking out "500 pounds" in th second line and inserting in lieu thereof "225 kilo grams"; and

(*b*) in subclause ii, by striking out "500 pounds" in th second line and inserting in lieu thereof "225 kilo grams".

R.S.O. 1970, c. 43 s. 19 (1), amended

4.—(1) Subsection 1 of section 19 of *The Bees Act*, being chapte 43 of the Revised Statutes of Ontario, 1970, is amende by striking out "thirty feet" in the third line and insert ing in lieu thereof "nine metres".

s. 19 (2), amended

(2) Subsection 2 of section 19 of the said Act is amended,

(*a*) by striking out "seven feet" in the third line an inserting in lieu thereof "two metres"; and

(*b*) by striking out "fifteen feet" in the fourth line an inserting in lieu thereof "4.5 metres".

s. 19 (3), amended

(3) Subsection 3 of section 19 of the said Act is amende by striking out "100 feet" in the third line and insertin in lieu thereof "thirty metres".

R.S.O. 1970, c. 133 s. 13 (2) (*b*), amended

5. Clause *b* of subsection 2 of section 13 of *The Dog Licensin and Live Stock and Poultry Protection Act*, being chapter 13 of the Revised Statutes of Ontario, 1970, as amended by th Statutes of Ontario, 1974, chapter 94, section 3, is furthe amended by striking out "fifty pounds" in the second line an inserting in lieu thereof "twenty-five kilograms".

1975, c. 79 s. 1, par. 3, amended

6.—(1) Paragraph 3 of section 1 of *The Drainage Act, 1975*, bein chapter 79, is amended,

(*a*) in subparagraph i, by striking out "600 feet" in th third line and inserting in lieu thereof "200 metres"

(*b*) in subparagraph ii, by striking out "300 feet" in th third line and inserting in lieu thereof "100 metres" and

(*c*) in subparagraph iii, by striking out "600 feet" in the first line and inserting in lieu thereof "200 metres".

(2) Subsection 5 of section 3 of the said Act is amended by striking out "2,500 feet" in the first line and in the second line and inserting in lieu thereof in each instance "750 metres". s. 3 (5), amended

(3) Section 36 of the said Act is amended by striking out "acres" in the fourth line and inserting in lieu thereof "hectares". s. 36, amended

7.—(1) Clause *d* of subsection 1 of section 21 of *The Farm Products Marketing Act*, being chapter 162 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970, c. 162 s. 21 (1) (*d*), amended

(*a*) by striking out "acreage" in the first line and inserting in lieu thereof "hectarage"; and

(*b*) by striking out "acres" in the first line and inserting in lieu thereof "hectares".

(2) Clause *e* of subsection 1 of section 21 of the said Act is amended by striking out "acreage" in the tenth line and inserting in lieu thereof "hectarage". s. 21 (1) (*e*), amended

(3) Clause *b* of subsection 2 of section 21 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 156, section 2, is amended by striking out "acreage" wherever it occurs and inserting in lieu thereof in each instance "hectarage". s. 21 (2) (*b*), amended

(4) Clause *c* of subsection 2 of section 21 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 156, section 2, is amended, s. 21 (2) (*c*), amended

(*a*) by striking out "acreages" in the second line and inserting in lieu thereof "hectarages"; and

(*b*) by striking out "acreage" in the sixth line and in the ninth line and inserting in lieu thereof in each instance "hectarage".

8. Clause *f* of section 5 of *The Live Stock Community Sales Act*, being chapter 253 of the Revised Statutes of Ontario, 1970, is amended by striking out "3,000 pounds" in the first and second lines and inserting in lieu thereof "1,361 kilograms". R.S.O. 1970, c. 253 s. 5 (*f*), amended

R.S.O. 1970, c. 493 s. 14, amended

9. Section 14 of *The Weed Control Act*, being chapter 493 of th Revised Statutes of Ontario, 1970, as amended by the Statute of Ontario, 1972, chapter 39, section 5 and 1973, chapter 8 section 2, is further amended by striking out "ten acres" i the seventh line and inserting in lieu thereof "four hectares"

1974, c. 56 s. 5 (1) (*a*), amended

10. Clause *a* of subsection 1 of section 5 of *The Wool Marketin Act, 1974*, being chapter 56, is amended by striking out "5 cent per pound" in the second line and inserting in lieu there "11 cents per kilogram".

PART II

MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

R.S.O. 1970, c. 49 s. 4 (1), amended

11.—(1) Subsection 1 of section 4 of *The Bread Sales Act*, bein chapter 49 of the Revised Statutes of Ontario, 1970, i amended by striking out "16, 24 or 48 ounces avoirdupois in the third line and inserting in lieu thereof "450, 57 675 or 900 grams".

s. 4 (2), amended

(2) Subsection 2 of the said section 4 is amended by strikin out "12 ounces avoirdupois" in the second line an inserting in lieu thereof "340 grams".

1974, c. 74 s. 1 (*b*), amended

12. Clause *b* of section 1 of *The Building Code Act, 1974*, bein chapter 74, is amended by striking out "100 square feet" i the second line and inserting in lieu thereof "ten squar metres".

R.S.O. 1970, c. 189 s. 1 (1) (*f*), amended

13.—(1) Clause *f* of subsection 1 of section 1 of *The Gasoline Handlin Act*, being chapter 189 of the Revised Statutes of Ontari 1970, as re-enacted by the Statutes of Ontario, 197 chapter 115, section 1, is amended by striking ou "100°F." in the second line and inserting in lieu there "40°C.".

s. 3, amended

(2) Section 3 of the said Act, as amended by the Statute of Ontario, 1973, chapter 115, section 3, is furthe amended by striking out "100°F." in the amendment c 1973 and inserting in lieu thereof "40°C.".

R.S.O. 1970, c. 459 s. 25, amended

14. Section 25 of *The Theatres Act*, being chapter 459 of th Revised Statutes of Ontario, 1970, is amended by strikin out "200 feet" in the second line and inserting in lieu there "sixty metres".

PART III

MINISTRY OF EDUCATION

15.—(1) Clause *c* of subsection 2 of section 20 of *The Education Act, 1974*, being chapter 109, is amended, 1974, c. 109, s. 20 (2) (*c*), amended

(*a*) in subclause i, by striking out "one mile" in the first line and inserting in lieu thereof "1.6 kilometres";

(*b*) in subclause ii, by striking out "two miles" in the first line and inserting in lieu thereof "3.2 kilometres"; and

(*c*) in subclause iii, by striking out "three miles" in the first line and inserting in lieu thereof "4.8 kilometres".

(2) Section 36 of the said Act is amended, s. 36, amended

(*a*) in clause *a*, by striking out "two miles" in the first line and inserting in lieu thereof "3.2 kilometres"; and

(*b*) in clause *b*, by striking out "one-half mile" in the first line and inserting in lieu thereof "0.8 kilometres".

(3) Subsection 7 of section 80 of the said Act is amended by striking out "three miles" in the second line and inserting in lieu thereof "4.8 kilometres". s. 80 (7), amended

(4) Subsection 8 of section 80 of the said Act is amended by striking out "three miles" in the eighth line and inserting in lieu thereof "4.8 kilometres". s. 80 (8), amended

(5) Subsection 1 of section 83 of the said Act is amended by striking out "six-mile" in the third line and inserting in lieu thereof "9.6 kilometre". s. 83 (1), amended

(6) Subsection 1 of section 104 of the said Act is amended by striking out "six-mile" in the third line and inserting in lieu thereof "9.6 kilometre". s. 104 (1), amended

(7) Subsection 7 of section 163 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 50, section 25, is further amended by striking out "fifteen miles" in the third line and inserting in lieu thereof "twenty-four kilometres". s. 163 (7), amended

s. 163 (8), amended

(8) Subsection 8 of section 163 of the said Act is amende by striking out "fifteen miles" in the third line an inserting in lieu thereof "twenty-four kilometres".

s. 163 (9), amended

(9) Subsection 9 of section 163 of the said Act, as re-enacte by the Statutes of Ontario, 1976, chapter 50, section 25 is amended,

(*a*) in clause *a*, by striking out "fifteen miles" and insert ing in lieu thereof "twenty-four kilometres"; and

(*b*) in clause *b*, by striking out "thirty miles" and insert ing in lieu thereof "forty-eight kilometres".

s. 163 (10), amended

(10) Subsection 10 of section 163 of the said Act is amende by striking out "fifteen miles" in the third line and insert ing in lieu thereof "twenty-four kilometres".

s. 164 (3) (*b*), amended

(11) Clause *b* of subsection 3 of section 164 of the said Act i amended by striking out "a mileage allowance at a rate in the first line and inserting in lieu thereof "an allowanc at a rate per kilometre".

s. 182 (3), amended

(12) Subsection 3 of section 182 of the said Act is amende by striking out "15 cents for each mile" in the first an second lines and inserting in lieu thereof "10 cents for eac kilometre".

s. 220 (3), amended

(13) Subsection 3 of section 220 of the said Act is amended b striking out "three miles" where it occurs in the fift line, the twelfth line and the twenty-third line and insertin in lieu thereof in each instance "4.8 kilometres".

s. 221 (2), amended

(14) Subsection 2 of section 221 of the said Act is amende by striking out "three miles" in the seventh line an inserting in lieu thereof "4.8 kilometres".

PART IV

MINISTRY OF ENERGY

R.S.O. 1970, c. 354 s. 47 (3), amended

16. Subsection 3 of section 47 of *The Power Corporation Act*, bein chapter 354 of the Revised Statutes of Ontario, 1970, a amended by the Statutes of Ontario, 1972, chapter 1, sectio 73 and 1973, chapter 57, section 2, is further amended b striking out "$8 for each square foot" in the eighth line an inserting in lieu thereof "$86.11 for each square metre".

PART V

MINISTRY OF THE ENVIRONMENT

17. Subsection 2 of section 61*b* of *The Environmental Protection Act, 1971*, being chapter 86, as enacted by the Statutes of Ontario, 1973, chapter 94, section 6, is amended, 1971, c. 86, s. 61*b* (2), amended

(*a*) in clause *a*, by striking out "ten acres" in the third line and inserting in lieu thereof "four hectares"; and

(*b*) in clause *b*, by striking out "ten acres" in the third line and inserting in lieu thereof "four hectares".

18.—(1) Subsection 3 of section 37 of *The Ontario Water Resources Act*, being chapter 332 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 19, section 2, is further amended by striking out "10,000 gallons" in the third line and inserting in lieu thereof "50,000 litres". R.S.O. 1970, c. 332 s. 37 (3), amended

(2) Clause *b* of subsection 9 of section 41 of the said Act is amended by striking out "10,000 gallons" in the second line and inserting in lieu thereof "50,000 litres". s. 41 (9) (*b*), amended

PART VI

MINISTRY OF HEALTH

19. Subsection 3 of section 2 of *The Private Sanitaria Act*, being chapter 363 of the Revised Statutes of Ontario, 1970, is amended by striking out "one-eighth of an inch to a foot" in the second line and inserting in lieu thereof "three millimetres to thirty centimetres". R.S.O. 1970, c. 363 s. 2 (3), amended

20.—(1) Subsection 2 of section 94 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by striking out "a mile" in the third line and inserting in lieu thereof "1.6 kilometres". R.S.O. 1970, c. 377 s. 94 (2), amended

(2) Subsection 2 of section 101 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 61, section 13, is further amended by striking out "600 cubic feet" in the third and fourth lines and inserting in lieu thereof "seventeen cubic metres". s. 101 (2), amended

(3) Section 132 of the said Act is amended by striking out "one-mile" in the third line and inserting in lieu thereof "1.6 kilometres". s. 132, amended

Sched. B, amended

(4) Schedule B to the said Act is amended,

(*a*) in paragraph 8, by striking out "200 yards" in the third line and inserting in lieu thereof "180 metres" and by striking out "50 yards" in the fourth line and inserting in lieu thereof "forty-five metres";

(*b*) in paragraph 22, by striking out "100 feet" in the third line and inserting in lieu thereof "thirty metres";

(*c*) in paragraph 24, by striking out "six inches" in the fourth line and inserting in lieu thereof "fifteen centimetres"; and

(*d*) in paragraph 27, by striking out "twelve inches wide and nine inches" in the fifth line and inserting in lieu thereof "thirty centimetres wide and twenty-two centimetres".

PART VII

MINISTRY OF HOUSING

R.S.O. 1970, c. 349, s. 33 (2) (*b*), amended

21.—(1) Clause *b* of subsection 2 of section 33 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by striking out "inch to 1,000 feet" in the first and second lines and inserting in lieu thereof "centimetre to 100 metres".

s. 35*b* (3), amended

(2) Subsection 3 of section 35*b* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 168, section 10, is amended by striking out "acre for each 120" in the fourth line and inserting in lieu thereof "hectare for each 300".

s. 45*a*, enacted

(3) The said Act is amended by adding thereto the following section:

Application of s. 35 (10)

R.S.C. 1970, c. W-8

45*a*.—(1) Subsection 10 of section 35 does not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the *Weights and Measures Act* (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

(*a*) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or

(*b*) does not vary by more than 5 per cent any measurement so expressed.

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 35 or an order made by the Minister under section 32 does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection 1. Effect of amendment that conforms with subsection 1

PART VIII

MINISTRY OF NATURAL RESOURCES

22.—(1) Subsection 1 of section 14 of *The Beach Protection Act*, being chapter 40 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 11, is amended by striking out "yard" in the fourth line and inserting in lieu thereof "cubic metre". R.S.O. 1970, c. 40, s. 14 (1), amended

(2) Subsection 2 of section 14 of the said Act is amended by striking out "yard" in the first line and inserting in lieu thereof "cubic metre". s. 14 (2), amended

23. Section 3 of *The Canada Company's Lands Act, 1922*, being chapter 24, as amended by the Statutes of Ontario, 1953, chapter 11, section 1, is further amended by striking out "$1 per acre" in the second line and in the amendment of 1953 and inserting in lieu thereof "$2.50 per hectare". 1922, c. 24, s. 3, amended

24. Subsection 4 of section 13 of *The Conservation Authorities Act*, being chapter 78 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970, c. 78, s. 13 (4), amended

(*a*) by striking out "number of acres in" in the sixth line and inserting in lieu thereof "area of"; and

(*b*) by striking out "acreage" in the seventh line and inserting in lieu thereof "area".

25.—(1) Subsection 2 of section 11 of *The Forest Fires Prevention Act*, being chapter 179 of the Revised Statutes of Ontario, 1970, is amended by striking out "1,000 feet" in the second line and inserting in lieu thereof "300 metres". R.S.O. 1970, c. 179, s. 11 (2), amended

(2) Subsection 1 of section 15 of the said Act is amended by striking out "1,000 feet" in the second line and inserting in lieu thereof "300 metres". s. 15 (1), amended

s. 17, amended

(3) Section 17 of the said Act is amended,

(*a*) by striking out "1,000 feet" in the third line and inserting in lieu thereof "300 metres"; and

(*b*) by striking out "100 feet" in the fifth line and inserting in lieu thereof "thirty metres".

s. 26, amended

(4) Section 26 of the said Act is amended by striking out "one-half mile" in the first line and inserting in lieu thereof "800 metres".

s. 28, amended

(5) Section 28 of the said Act is amended by striking out "1,000 feet" in the first line and inserting in lieu thereof "300 metres".

s. 29, amended

(6) Section 29 of the said Act is amended by striking out "1,000 feet" in the second line and inserting in lieu thereof "300 metres".

s. 32, amended

(7) Section 32 of the said Act is amended by striking out "1,000 feet" in the first line and inserting in lieu thereof "300 metres".

R.S.O. 1970, c. 233, s. 33 (1), amended

26. Subsection 1 of section 33 of *The Lakes and Rivers Improvement Act*, being chapter 233 of the Revised Statutes of Ontario 1970, is amended by striking out "eighteen feet" in the sixth line and inserting in lieu thereof "5.5 metres".

R.S.O. 1970, c. 298, s. 11 (1), amended

27.—(1) Subsection 1 of section 11 of *The Niagara Parks Act* being chapter 298 of the Revised Statutes of Ontario 1970, is amended by striking out "three miles" in the second and third lines and inserting in lieu thereof "five kilometres".

s. 20 (1) (*f*), amended

(2) Clause *f* of subsection 1 of section 20 of the said Act is amended by striking out "one-quarter mile" in the fourth line and inserting in lieu thereof "400 metres".

1971, c. 94, s. 11, amended

28. Section 11 of *The Petroleum Resources Act, 1971*, being chapter 94, is amended,

(*a*) in subsection 3, by striking out "one mile" in the fourth line and inserting in lieu thereof "1.6 kilometres"; and

(*b*) in subsection 4, by striking out "one mile" in the fourth line and inserting in lieu thereof "1.6 kilometres".

29.—(1) Section 4 of *The Pits and Quarries Control Act, 1971*, being chapter 96, is amended, 1971, c. 96, s. 4, amended

(*a*) in subsection 2,

(i) by striking out "acreage" in the fifth line and inserting in lieu thereof "hectarage", and

(ii) by striking out "500 feet" in the ninth line and inserting in lieu thereof "150 metres"; and

(*b*) in subsection 3, by striking out "10,000 cubic yards" in the second line and inserting in lieu thereof "15,000 tonnes".

(2) Subsection 1 of section 10 of the said Act is amended by striking out "300 feet" in the fourth line and inserting in lieu thereof "ninety metres". s. 10 (1), amended

30.—(1) Subsection 1 of section 14 of *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970, c. 380, s. 14 (1), amended

(*a*) by striking out "ten acres" in the tenth line and inserting in lieu thereof "four hectares"; and

(*b*) by striking out "100 acres" in the twelfth line and inserting in lieu thereof "forty hectares".

(2) Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 29, section 4, is further amended, s. 19, amended

(*a*) by striking out "ten acres" in the sixth line and inserting in lieu thereof "five hectares";

(*b*) by striking out "$10 an acre" in the sixth and seventh lines and inserting in lieu thereof "$24.70 a hectare"; and

(*c*) by striking out "$5 an acre" in the seventh line and inserting in lieu thereof "$12.35 a hectare".

(3) Subsection 3 of section 54 of the said Act is amended by striking out "500 feet" in the sixth line and inserting in lieu thereof "150 metres". s. 54 (3), amended

(4) Section 58 of the said Act is amended, s. 58, amended

(*a*) in clause *b*, by striking out "five miles" in tl second and third lines and inserting in lieu there "eight kilometres"; and

(*b*) in clause *c*, by striking out "fifteen acres" in tl third line and inserting in lieu thereof "seve hectares".

s. 60 (5), amended

(5) Subsection 5 of section 60 of the said Act is amende by striking out "200 acres" in the fifth line and insertir in lieu thereof in each instance "eighty hectares".

s. 72, amended

(6) Section 72 of the said Act is amended,

(*a*) in subsection 2, by striking out "acreage" in tl seventh line and inserting in lieu thereof "area";

(*b*) in subsection 4, by striking out "acreage" in tl second line and in the fourth line and inserting i lieu thereof in each instance "area";

(*c*) in subsection 6, by striking out "acreage" in tl third line and inserting in lieu thereof "area"; an

(*d*) in subsection 7, by striking out "acreage" in tl eighth line and inserting in lieu thereof "area".

1966, c. 146, s. 11, amended

31.—(1) Section 11 of *The St. Clair Parkway Commission Ac 1966*, being chapter 146, is amended by striking ou "three miles" in the second and third lines and insertir in lieu thereof "five kilometres".

s. 19 (1) (*f*), amended

(2) Clause *f* of subsection 1 of section 19 of the said Ac is amended by striking out "one-quarter mile" in tl fourth line and inserting in lieu thereof "400 metres".

R.S.O. 1970, c. 453, s. 31 (2), par. 3, amended

32.—(1) Paragraph 3 of subsection 2 of section 31 of *The Surve Act*, being chapter 453 of the Revised Statutes of Ontari 1970, is amended by striking out "twenty chains" in tl fourteenth line and inserting in lieu thereof "400 metres"

s. 37 (2), par. 3, amended

(2) Paragraph 3 of subsection 2 of section 37 of the said Ac as amended by the Statutes of Ontario, 1972, chapter 3 section 5, is further amended by striking out "twent chains" in the thirteenth line and inserting in lieu there "400 metres".

R.S.O. 1970, c. 498, s. 3, amended

33. Section 3 of *The Wilderness Areas Act*, being chapter 498 the Revised Statutes of Ontario, 1970, is amended by strikin

out "640 acres" in the third line and inserting in lieu thereof "260 hectares".

34.—(1) Clause *h* of section 1 of *The Woodlands Improvement Act*, being chapter 502 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: R.S.O. 1970, c. 502, s. 1 (*h*), re-enacted

(*h*) "woodlands" means lands having at least 1,000 trees per hectare of all sizes or at least 750 trees per hectare measuring over five centimetres in diameter or at least 500 trees per hectare measuring over twelve centimetres in diameter or at least 250 trees per hectare measuring over twenty centimetres in diameter (all such measurements to be taken at least 1.3 metres from the ground), but does not include a plantation established for the purpose of producing Christmas trees.

(2) Clause *b* of subsection 1 of section 5 of the said Act is amended by striking out "acre" in the first line and inserting in lieu thereof "hectare". s. 5 (1) (*b*), amended

PART IX

MINISTRY OF TREASURY, ECONOMICS AND INTERGOVERNMENTAL AFFAIRS

35.—(1) Subsection 1 of section 40 of *The County of Oxford Act, 1974*, being chapter 57, is amended, 1974, c. 57, s. 40 (1), amended

(*a*) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(*b*) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

(2) Subsection 4 of section 41 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 41 (4), amended

(3) Subsection 1 of section 46 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 46 (1), amended

36.—(1) Subsection 1 of section 55 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970, c. 131, s. 55 (1), amended

(*a*) in clause *a*, by striking out "150 feet" in the firs line and inserting in lieu thereof "forty-five metres" and

(*b*) in clause *b*, by striking out "one-quarter mile" i the first and second lines and inserting in lieu thereo "400 metres".

s. 56 (4), amended

(2) Subsection 4 of section 56 of the said Act is amended b striking out "100 feet" in the fourth line and inserting i lieu thereof "thirty metres".

s. 61 (1), amended

(3) Subsection 1 of section 61 of the said Act is amended b striking out "150 feet" in the second line and inserting i lieu thereof "forty-five metres".

R.S.O. 1970, c. 198, s. 14 (4), amended

37. Subsection 4 of section 14 of *The Haliburton Act*, being chapte 198 of the Revised Statutes of Ontario, 1970, is amended b striking out "fifteen miles" in the second line and inserting i lieu thereof "twenty-five kilometres".

R.S.O. 1970, c. 248, Form 3, amended

38. Form 3 of *The Line Fences Act*, being chapter 248 of th Revised Statutes of Ontario, 1970, is amended by striking ou "rod" in the thirteenth line and inserting in lieu thereo "metre".

R.S.O. 1970, c. 255, s. 2 (1) (*l*), amended

39.—(1) Clause *l* of subsection 1 of section 2 of *The Local Improve ment Act*, being chapter 255 of the Revised Statutes o Ontario, 1970, is amended by striking out "two acres" i the second line and inserting in lieu thereof "one hectare"

s. 3 (1), amended

(2) Subsection 1 of section 3 of the said Act is amended b striking out "foot" in the sixteenth line and inserting i lieu thereof "metre".

s. 4 (1), amended

(3) Subsection 1 of section 4 of the said Act is amended b striking out "foot" in the eleventh line and inserting i lieu thereof "metre".

s. 20, amended

(4) Section 20 of the said Act is amended,

(*a*) in subsection 1, by striking out "foot" in the fift line and inserting in lieu thereof "metre"; and

(*b*) in subsection 4, by striking out "feet" in the sixt line and inserting in lieu thereof "metres".

s. 23 (*a*), amended

(5) Clause *a* of section 23 of the said Act is amended b striking out "four feet" in the second line and insertin in lieu thereof "0.38 square metres".

(6) Subsection 1 of section 24 of the said Act is amended by striking out "foot" in the fourth line and inserting in lieu thereof "metre". s. 24 (1), amended

(7) Section 37 of the said Act is amended by striking out "foot" in the fifth line and inserting in lieu thereof "metre". s. 37, amended

(8) Section 38 of the said Act is amended by striking out "foot" in the tenth line and inserting in lieu thereof "metre". s. 38, amended

(9) Subsection 1 of section 40 of the said Act is amended by striking out "foot" in the third line and inserting in lieu thereof "metre". s. 40 (1), amended

(10) Section 41 of the said Act is amended, s. 41, amended

(*a*) in clause *a*, by striking out "feet" in the third line and inserting in lieu thereof "metres";

(*b*) in clause *b*, by striking out "feet" in the second line and inserting in lieu thereof "metres"; and

(*c*) in clause *c*, by striking out "foot" and inserting in lieu thereof "metre".

(11) Subclause vi of clause *a* of subsection 1 of section 48 of the said Act is amended by striking out "foot" in the first line and inserting in lieu thereof "metre". s. 48 (1) (*a*) (vi), amended

(12) Clause *b* of subsection 4 of section 53 of the said Act is amended by striking out "foot" in the fourth line and inserting in lieu thereof "metre". s. 53 (4) (*b*), amended

(13) Form 1 of the said Act is amended by striking out "foot" in the eleventh line and in the twenty-fifth line and inserting in lieu thereof in each instance "metre". Form 1, amended

40.—(1) Clause *a* of subsection 3*d* of section 304 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1975, chapter 8, section 2, is repealed and the following substituted therefor: R.S.O. 1970, c. 284, s. 304 (3*d*) (*a*), re-enacted

(*a*) $12.35 per hectare for each of the first forty hectares occupied by each such research station and $5 per hectare for each hectare in excess of forty hectares occupied by each such research station up to 4,000 hectares and $1.25 per hectare in excess of 4,000 hectares occupied by each such station; or

. . . . .

s. 340 (4), amended

(2) Subsection 4 of section 340 of the said Act is amended b striking out "twenty feet" in the second line and insertin in lieu thereof "six metres".

s. 340 (5), amended

(3) Subsection 5 of section 340 of the said Act is amended b striking out "twenty feet" in the fifth line and inserting i lieu thereof "six metres".

s. 354 (1), amended

(4) Subsection 1 of section 354 of the said Act is amended,

(*a*) in paragraph 17, by striking out "twenty-five pounds in the third line and inserting in lieu there "eleven kilograms";

(*b*) in paragraph 108, by striking out "15 miles" i the second line and inserting in lieu thereof "2 kilometres"; and

(*c*) in paragraph 109, by striking out "14 feet" in th second line and inserting in lieu thereof "4.25 metres'

s. 359 (6), par. 5, amended

(5) Paragraph 5 of subsection 6 of section 359 of the said Ac is amended by striking out "3,000 square feet" in th second and third lines and inserting in lieu thereof "30 square metres".

s. 362 (7), amended

(6) Subsection 7 of section 362 of the said Act is amended,

(*a*) in clause *a*, by striking out "foot" in the first lin and inserting in lieu thereof "metre";

(*b*) in clause *b*, by striking out "foot" in the first lin and inserting in lieu thereof "metre"; and

(*c*) in clause *c*, by striking out "An acreage" in the firs line and inserting in lieu thereof "A hectarage".

s. 362 (14) (*b*), amended

(7) Clause *b* of subsection 14 of section 362 of the said Act i amended,

(*a*) by striking out "foot" in the second line and insertin in lieu thereof "metre"; and

(*b*) by striking out "100 feet" in the eleventh line an inserting in lieu thereof "thirty metres".

s. 364, amended

(8) Section 364 of the said Act is amended,

(*a*) in paragraph 6, by striking out "three miles" in th sixth line and inserting in lieu thereof "five kilo metres"; and

(*b*) in paragraph 13, by striking out "128 cubic feet" in the seventh line and inserting in lieu thereof "3.62 cubic metres".

(9) Subsection 8 of section 365 of the said Act is amended by striking out "100 yards" in the sixth line and inserting in lieu thereof "ninety metres". s. 365 (8), amended

(10) Paragraph 1 of section 377 of the said Act is amended by striking out "three miles" in the sixth line and inserting in lieu thereof "five kilometres". s. 377, par. 1, amended

(11) Clause *a* of paragraph 7 of section 383 of the said Act is amended by striking out "300 yards" in the third and fourth lines and inserting in lieu thereof "275 metres". s. 383, par. 7 (*a*), amended

(12) Clause *c* of subsection 1 of section 403 of the said Act is amended by striking out "100 feet" in the first line and inserting in lieu thereof "thirty metres". s. 403 (1) (*c*), amended

(13) Subsection 2 of section 403 of the said Act is amended by striking out "80 feet" in the third line and in the fourth line and inserting in lieu thereof in each instance "twenty-five metres". s. 403 (2), amended

(14) Section 409 of the said Act is amended by striking out "100 feet" in the second line and inserting in lieu thereof "thirty metres". s. 409, amended

(15) Section 415 of the said Act is amended, s. 415, amended

(*a*) in subsection 1, by striking out "300 feet" in the first line and inserting in lieu thereof "ninety metres"; and

(*b*) in subsection 14, by striking out "300 feet" in the fifth line and inserting in lieu thereof "ninety metres".

(16) Subsection 2 of section 418 of the said Act is amended by striking out "twenty feet" in the fourth line and inserting in lieu thereof "six metres". s. 418 (2), amended

(17) Section 441 of the said Act is amended, s. 441, amended

(*a*) in subsection 1, by striking out "mile" in the fourth line and inserting in lieu thereof "distance";

(*b*) in subsection 2, by striking out "mile" in the first line and in the fourth line and inserting in lieu thereof in each instance "distance"; and

(*c*) in subsection 4, by striking out "mile" in the second line and inserting in lieu thereof "distance".

s. 442, amended

(18) Section 442 of the said Act is amended by striking out "mile" in the fourth line and inserting in lieu thereof "distance".

s. 450 (2), amended

(19) Subsection 2 of section 450 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 5, is further amended,

(*a*) by striking out "66 feet" in the first line and inserting in lieu thereof "twenty metres"; and

(*b*) by striking out "100 feet" in the second line and inserting in lieu thereof "thirty metres".

s. 460, par. 2, amended

(20) Paragraph 2 of section 460 of the said Act is amended by striking out "$5 per foot" in the eighth line and inserting in lieu thereof "$25 per metre".

s. 613, amended

(21) Section 613 of the said Act is amended,

(*a*) in subsection 1, by striking out "acreage" in the second line and inserting in lieu thereof "area";

(*b*) in subsection 2, by striking out "acreage" in the fourth line and inserting in lieu thereof "area"; and

(*c*) in subsection 3, by striking out "$3 an acre" in the fifth line and inserting in lieu thereof "$7.50 a hectare".

R.S.O. 1970, c. 289, s. 4 (1), amended

41. Subsection 1 of section 4 of *The Municipal Franchises Act*, being chapter 289 of the Revised Statutes of Ontario, 1970, is amended by striking out "five miles" in the third line and inserting in lieu thereof "eight kilometres".

R.S.O. 1970, c. 295, s. 80 (1) (*d*), amended

42.—(1) Clause *d* of subsection 1 of section 80 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out "100 feet" in the second line and inserting in lieu thereof "30.5 metres".

s. 82 (1), amended

(2) Subsection 1 of section 82 of the said Act is amended,

(*a*) by striking out "25 miles" in the fifth line and inserting in lieu thereof "40 kilometres"; and

(*b*) by striking out "60 miles" in the sixth line and inserting in lieu thereof "100 kilometres".

(3) Subsection 1 of section 90 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 90 (1), amended

(4) Clause *f* of subsection 1 of section 127 of the said Act is amended by striking out "a mileage allowance not exceeding 10 cents for each mile" in the first and second lines and inserting in lieu thereof "an allowance in such amount as may be determined by the School Board for each kilometre". s. 127 (1) (*f*), amended

(5) Clause *a* of subsection 2 of section 128 of the said Act is amended by striking out "feet" in the sixth line and inserting in lieu thereof "metres". s. 128 (2) (*a*), amended

43.—(1) Subsection 1 of section 1 of *The Ontario Unconditional Grants Act, 1975*, being chapter 7, is amended, 1975, c. 7, s. 1 (1), amended

(*a*) in clause *a*, by striking out "acres" in the first line and in the second line and inserting in lieu thereof in each instance "hectares"; and

(*b*) in clause *d*,

(i) by striking out "acres" in the third line and inserting in lieu thereof "hectares", and

(ii) by striking out "two" in the third line and inserting in lieu thereof "three".

(2) Schedule 1 to the said Act is repealed and the following substituted therefor: Sched. 1, re-enacted

SCHEDULE 1

Density	Amount Per Capita
0.375 and under	$5.00
Over 0.375 to and including 0.75	4.00
Over 0.75 to and including 1.125	3.00
Over 1.125 to and including 1.5	2.00
Over 1.5 to and including 1.875	1.00
Over 1.875	Nil

1974, c. 110, s. 2 (1) (*b*), amended

44.—(1) Clause *b* of subsection 1 of section 2 of *The Provincial Park Municipal Tax Assistance Act, 1974*, being chapter 11(is amended,

(*a*) by striking out "acres" in the first line and insertin in lieu thereof "hectares"; and

(*b*) by striking out "acre" in the first line and insertin in lieu thereof "hectare".

s. 3 (1), amended

(2) Subsection 1 of section 3 of the said Act is amended,

(*a*) by striking out "acres" in the eighth line an inserting in lieu thereof "hectares"; and

(*b*) by striking out "acre" in the ninth line and insertin in lieu thereof "hectare".

s. 4, amended

(3) Section 4 of the said Act is amended,

(*a*) by striking out subclause i of clause *a* and insertin in lieu thereof the following:

(i) $12.35 per hectare for each of the first fort hectares of each such park and $5 per hectar for each hectare in excess of forty hectare in each such park up to 4,000 hectares in eac such park and $1.25 per hectare for eac hectare in excess of 4,000 hectares in eac such park, or

. . . . .

and

(*b*) by striking out subclause i of clause *b* and insertin in lieu thereof the following:

(i) $12.35 per hectare for each of the first fort hectares of such land and $5 per hectare f each hectare in excess of forty hectares u to 4,000 hectares and $1.25 per hectare f each hectare in excess of 4,000 hectares, or

. . . . .

R.S.O. 1970, c. 384, s. 15, amended

45. Section 15 of *The Public Parks Act*, being chapter 384 of th Revised Statutes of Ontario, 1970, is amended,

(*a*) by striking out "ten miles" in the third line an inserting in lieu thereof "sixteen kilometres"; and

(*b*) by striking out "five miles" in the fourth line and inserting in lieu thereof "eight kilometres".

46.—(1) Subsection 1 of section 9 of *The Public Utilities Act*, being chapter 390 of the Revised Statutes of Ontario, 1970, is amended by striking out "three miles" in the third line and inserting in lieu thereof "five kilometres". R.S.O. 1970, c. 390, s. 9 (1), amended

(2) Subsection 1 of section 14 of the said Act is amended by striking out "300 feet" in the eighth line and inserting in lieu thereof "100 metres". s. 14 (1), amended

(3) Section 56 of the said Act is amended, s. 56, amended

(*a*) in subsection 1, by striking out "six feet" in the fourth line and inserting in lieu thereof "two metres";

(*b*) in subsection 2, by striking out "six feet" in the fourth line and inserting in lieu thereof "two metres"; and

(*c*) in subsection 5, by striking out "six feet" in the fourth line and inserting in lieu thereof "two metres".

47.—(1) Subsection 1 of section 41 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is amended, 1973, c. 78, s. 41 (1), amended

(*a*) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(*b*) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

(2) Subsection 4 of section 42 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 42 (4), amended

(3) Subsection 1 of section 47 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 47 (1), amended

(4) Clause *e* of subsection 3 of section 67 of the said Act is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres". s. 67 (3) (*e*), amended

48.—(1) Subsection 1 of section 40 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended, 1973, c. 96, s. 40 (1), amended

(*a*) in clause *a*, by striking out "150 feet" in the firs line and inserting in lieu thereof "forty-five metres' and

(*b*) in clause *b*, by striking out "one quarter mile in the first and second lines and inserting in lie thereof "400 metres".

s. 41 (4), amended

(2) Subsection 4 of section 41 of the said Act, as enacted by th Statutes of Ontario, 1973, chapter 155, section 4, is amende by striking out "100 feet" in the fourth line and insertin in lieu thereof "thirty metres".

s. 46 (1), amended

(3) Subsection 1 of section 46 of the said Act, as enacte by the Statutes of Ontario, 1973, chapter 155, section is amended by striking out "150 feet" in the second line an inserting in lieu thereof "forty-five metres".

s. 75 (3), (*e*), amended

(4) Clause *e* of subsection 3 of section 75 of the said Act, enacted by the Statutes of Ontario, 1973, chapter 15 section 4, is amended by striking out "fifteen miles" i the second line and inserting in lieu thereof "24.14 kil metres".

1973, c. 70, s. 40 (1), amended

49.—(1) Subsection 1 of section 40 of *The Regional Municipali of Halton Act, 1973*, being chapter 70, is amended,

(*a*) in clause *a*, by striking out "150 feet" in the fir line and inserting in lieu thereof "forty-five metres' and

(*b*) in clause *b*, by striking out "one quarter mil in the first and second lines and inserting in li thereof "400 metres".

s. 41 (4), amended

(2) Subsection 4 of section 41 of the said Act is amended b striking out "100 feet" in the fourth line and insertin in lieu thereof "thirty metres".

s. 46 (1), amended

(3) Subsection 1 of section 46 of the said Act is amended b striking out "150 feet" in the second line and insertin in lieu thereof "forty-five metres".

s. 73 (3) (*e*), amended

(4) Clause *e* of subsection 3 of section 73 of the said Act amended by striking out "fifteen miles" in the secon line and inserting in lieu thereof "24.14 kilometres".

1973, c. 74, s. 40 (1), amended

50.—(1) Subsection 1 of section 40 of *The Regional Municipali of Hamilton-Wentworth Act, 1973*, being chapter 74, amended,

(*a*) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(*b*) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

(2) Subsection 4 of section 41 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 41 (4), amended

(3) Subsection 1 of section 46 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 46 (1), amended

(4) Clause *e* of subsection 3 of section 73 of the said Act is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres". s. 73 (3) (*e*), amended

51.—(1) Subsection 1 of section 76 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970, c. 406, s. 76 (1), amended

(*a*) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(*b*) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

(2) Subsection 4 of section 77 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 77 (4), amended

(3) Subsection 1 of section 84 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 84 (1), amended

(4) Clause *e* of subsection 3 of section 112 of the said Act is amended by striking out "five miles" in the third line and inserting in lieu thereof "8.05 kilometres". s. 112 (3) (*e*), amended

52.—(1) Subsection 1 of section 55*a* of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is amended, R.S.O. 1970, c. 407, s. 55*a* (1), amended

(*a*) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres" and

(*b*) in clause *b*, by striking out "one-quarter mile" in the second line and inserting in lieu thereof "400 metres".

s. 55*c* (1), amended

(2) Subsection 1 of section 55*c* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8 is amended,

(*a*) by striking out "25 miles" in the sixth line and inserting in lieu thereof "40 kilometres"; and

(*b*) by striking out "60 miles" in the seventh line and inserting in lieu thereof "100 kilometres".

s. 61 (1), amended

(3) Subsection 1 of section 61 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

1973, c. 60, s. 40 (1), amended

53.—(1) Subsection 1 of section 40 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is amended,

(*a*) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres" and

(*b*) in clause *b*, by striking out "one quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

s. 41 (4), amended

(2) Subsection 4 of section 41 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

s. 46 (1), amended

(3) Subsection 1 of section 46 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

s. 73 (3) (*e*), amended

(4) Clause *e* of subsection 3 of section 73 of the said Act is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres".

1972, c. 104, s. 48 (5) (*e*), amended

54.—(1) Clause *e* of subsection 5 of section 48 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104 is amended by striking out "twenty miles" in the third line and inserting in lieu thereof "32.18 kilometres".

(2) Subsection 1 of section 64 of the said Act is amended, s. 64 (1), amended

(*a*) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(*b*) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

(3) Subsection 4 of section 65 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 65 (4), amended

55.—(1) Subsection 1 of section 79 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is amended, 1972, c. 105, s. 79 (1), amended

(*a*) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(*b*) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

(2) Subsection 4 of section 80 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 80 (4), amended

(3) Subsection 1 of section 85 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 85 (1), amended

(4) Paragraph 1 of subsection 2 of section 159*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 164, section 4, is amended by striking out "three miles" in the ninth line and inserting in lieu thereof "five kilometres". s. 159*a* (2), par. 1, amended

56.—(1) Subsection 1 of section 76 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970, c. 408, s. 76 (1), amended

(*a*) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(*b*) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

s. 77 (4), amended

(2) Subsection 4 of section 77 of the said Act is amended b striking out "100 feet" in the fourth line and insertir in lieu thereof "thirty metres".

R.S.O. 1970, c. 445, s. 3 (2), amended

57.—(1) Subsection 2 of section 3 of *The Statute Labour Act*, beir chapter 445 of the Revised Statutes of Ontario, 197 is amended by striking out "200 acres" in the third lir and in the fifth line and inserting in lieu thereof in eac instance "eighty-one hectares".

s. 24 (1), re-enacted

(2) Subsection 1 of section 24 of the said Act is repealed ar the following substituted therefor:

Amount of statute labour to be performed

(1) Notwithstanding subsection 3, each owner, locate purchaser or tenant of land may be required to perform or day's labour for every twenty hectares and one day's labor for the remainder of the hectarage held by him, where tl total hectarage held by him divided by twenty leaves remainder, and for the first four hectares that he has clear after the first four, he may be required to perform one day additional labour, and for every eight hectares over ar above the first four, one additional day's labour, and eac householder who is not an owner, locatee, purchaser or tena of the land may be required each year to perform one day labour.

s. 24 (2), amended

(3) Subsection 2 of section 24 of the said Act is amended b striking out "fifty acres" in the second line and insertir in lieu thereof "twenty hectares".

Form 3, amended

(4) Form 3 of the said Act is amended,

(*a*) by striking out the sub-heading to column 6 ar inserting in lieu thereof "No. of Hectares"; and

(*b*) by striking out the sub-heading to column 7 ar inserting in lieu thereof "No. of Hectares Cleared

Form 6, amended

(5) Form 6 of the said Act is amended by striking out t column heading "Number of Acres" and inserting lieu thereof "Number of Hectares".

PART X

PROVINCIAL SECRETARIAT FOR RESOURCES DEVELOPMENT

1973, c. 52 s. 25 (1), amended

58. Subsection 1 of section 25 of *The Niagara Escarpment Pla ning and Development Act, 1973*, being chapter 52, is amend by striking out "400 feet" in the seventh line and inserti in lieu thereof "120 metres".

59. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

60. The short title of this Act is *The Metric Conversion Statute Law Amendment Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

The Metric Conversion Statute Law Amendment Act, 1978

1st Reading

June 22nd, 1978

2nd Reading

November 30th, 1978

3rd Reading

December 5th, 1978

THE HON. L. GROSSMAN
Minister of Industry and Tourism

1978

BILL 141 Pauline Leg. Leg. Sitting

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2

THE HON. R. ELGIE
Minister of Labour

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 141 **1978**

An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2

Preamble

WHEREAS the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2, have been parties to collective agreements, all of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under *The Labour Relations Act*; and whereas conciliation efforts have reached an impasse and the parties are unable to achieve a settlement of the disputes; and whereas strikes by the unions against the employer have caused a cessation of the operation of public transportation facilities; and whereas the public interest and welfare requires that means be provided to bring the strikes to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

R.S.O. 1970, c. 232

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(*a*) "employer" means the Toronto Transit Commission;

(*b*) "expiry date" means, in the case of the collective agreement between the Toronto Transit Commission and,

(i) Division 113, Amalgamated Transit Union, the 30th day of June, 1978,

(ii) Lodge 235, International Association of Machinists and Aerospace Workers, the 31st day of March, 1978, and

(iii) the Canadian Union of Public Employees, Local No. 2, the 31st day of March, 1978;

(*c*) "Minister" means the Minister of Labour;

(*d*) "parties" means the employer and the unions;

(*e*) "unions" means Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local No. 2 or any one of them.

Idem

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application of Act

2.—(1) This Act applies to the parties and to the employees of the employer on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Application of R.S.O. 1970, c. 232

(2) Except as modified by this Act, *The Labour Relations Act* applies to the parties and to the employees mentioned in subsection 1.

Appointment of arbitrator

3.—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine into and decide upon the matters referred to in section 4.

Replacement of arbitrator

(2) Where the arbitrator is unable to enter on or to carry on his duties so as to enable him to render his decision within the period of time mentioned in subsection 4 of section 4, the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator in his place and the inquiry shall begin anew.

Procedure

(3) The arbitrator shall determine his own procedure, but shall give full opportunity to the employer and the unions to present their evidence and make their submissions.

Powers of arbitrator

(4) The arbitrator has all the powers of an arbitrator under *The Labour Relations Act*.

Duty of arbitrator

4.—(1) The arbitrator shall examine into and decide all matters remaining in dispute between the employer and the

unions immediately before the coming into force of this Act including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

(2) The arbitrator shall remain seized of and may deal with all matters within his jurisdiction until collective agreements between the employer and the unions are in effect.

Arbitrator to remain seized of matters in dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the unions agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

Agreement upon some matters

(*a*) the matters not agreed upon between the employer and the unions; and

(*b*) such other matters as may be agreed upon by the employer and the unions or may appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The decision of the arbitrator shall be made within forty-five days after the date of his appointment or within such further period of time as the Minister may permit.

Decision of arbitrator

5.—(1) The decision of the arbitrator shall be binding upon the employer and the unions and the employees on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Decision binding

R.S.O. 1970, c. 232

(2) Within seven days of the date of the decision of the arbitrator or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the decision of the arbitrator and any agreement of the parties, and the documents thereupon constitute collective agreements.

Execution of agreement

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties within the period mentioned in subsection 2, the parties or any of them shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties and submit the documents to the parties for execution.

Preparation of agreement by board

Failure to execute agreement

(4) If the parties or any of them fail to execute the documents prepared by the arbitrator within a period of seven days from the day of submission of the documents by the arbitrator to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements under *The Labour Relations Act*.

R.S.O. 1970, c. 232

R.S.O. 1970, c. 25 not to apply

6.—(1) *The Arbitrations Act* does not apply to the proceedings under this Act.

Idem 1971, c. 47

(2) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the proceedings under this Act.

Hourly rates of wages

7. The basic hourly rates of wages for employees to whom this Act applies are hereby increased by 4 per cent over the basic hourly wage rates in effect on the expiry date retroactive in each case to the day immediately following the expiry date and the decision of the arbitrator shall include such increase, but nothing in this section prevents the arbitrator from granting increases in the basic hourly wage rates in excess of those established in this section.

8.—(1) Upon the coming into force of this Act,

Strikes terminated

(*a*) the strikes shall be terminated immediately by the unions and the employees mentioned in subsection 1 of section 2;

Employees to return to work

(*b*) every employee mentioned in subsection 1 of section 2 shall report for work and shall perform his duties in accordance with his work assignment;

Resumption of operations

(*c*) the employer shall commence start-up operations immediately and, as soon as practicable, shall operate and continue to operate its undertakings to their normal extent, scope and capacity;

No strike or lock-out

(*d*) no person, employee or officer, official or agent of the employer or the unions shall engage in, declare, authorize or acquiesce in a lock-out, strike, picketing or in any activity contrary to any provision of this Act;

Terms of employment not to be altered

(*e*) the employer shall not, except with the consent of the unions, alter the rates of wages of the employees as increased by this Act, or any other term or condition of employment, or any right, privilege or duty of the unions or the employees, that were in operation on the expiry date; and

(*f*) the unions shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the unions or the employees, that were in operation on the expiry date. Idem

(2) Any difference between the parties as to whether or not clauses *e* and *f* of subsection 1 have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements were still in operation, and section 37 of *The Labour Relations Act* applies with necessary modifications thereto. Compliance with subsection 1

9. Subsection 3 of section 63, sections 65 and 66, subsection 1 of section 67 and sections 82, 83, 83*a*, 84, 85, 86, 87, 88 and 90 of *The Labour Relations Act* apply with necessary modifications under this Act as if such sections were enacted in and form part of this Act. Application of R.S.O. 1970, c. 232

10.—(1) Notwithstanding sections 85 and 90 of *The Labour Relations Act*, any person or union or any officer or official of any of them who contravenes or fails to comply with any provision of this Act is guilty of an offence and on summary conviction is liable, Penalty

(*a*) if an individual to a fine of not more than $1,000; or

(*b*) if a corporation or trade union to a fine of not more than $10,000.

(2) Every individual, corporation or union that fails to comply with any provision of this Act is, in addition to the penalty mentioned in subsection 1, liable to a fine of not more than $500 per day for every day upon which the offence continues. Idem

11. The employer and the unions shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund. Costs

12. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the last of the three collective agreements made under this Act comes into operation. Commencement and repeal

13. The short title of this Act is *The Toronto Transit Commission Labour Disputes Settlement Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Sept. 13, 1978

Rodney Lewis

tween the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2

1st Reading

September 13th, 1978

2nd Reading

September 13th, 1978

3rd Reading

September 13th, 1978

THE HON. R. ELGIE
Minister of Labour

1978

BILL 142 (Contains Leg. Leg. & Subs.)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to establish the Ministry of Treasury and Economics

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 142 **1978**

An Act to establish the Ministry of Treasury and Economics

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "appropriation" means an authority to pay money out of the Consolidated Revenue Fund;

(*b*) "Consolidated Revenue Fund" means the aggregate of all public moneys that are on deposit at the credit of the Treasurer or in the name of any agency of the Crown approved by the Lieutenant Governor in Council;

(*c*) "Deputy Treasurer" means the Deputy Treasurer of Ontario and Deputy Minister of Economics;

(*d*) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;

(*e*) "minister" means a member of the Executive Council;

(*f*) "ministry" means a ministry of the Government of Ontario and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;

(*g*) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,

(i) special funds of Ontario and the income and revenue therefrom,

(ii) revenues of Ontario,

(iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and

(iv) money paid to Ontario for a special purpose;

(*h*) "public officer" includes a minister and a person employed in a ministry;

(*i*) "Treasurer" means the Treasurer of Ontario and Minister of Economics. 1972, c. 3, s. 1, *amended*.

Ministry established

2. There shall be a ministry of the public service to be known as the Ministry of Treasury and Economics. *New*.

Treasurer to have charge

3. The Treasurer shall preside over and have charge of the Ministry of Treasury and Economics and has power to act for and on behalf of the Ministry. 1972, c. 3, s. 1, *amended*.

Seal

4.—(1) The Lieutenant Governor in Council may authorize a seal for the Treasurer and prescribe its use on documents.

Mechanical reproduction of seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. 1973, c. 33, s. 1.

Duties of Treasurer

5.—(1) The Treasurer shall direct and control the Ministry of Treasury and Economics, recommend to the Executive Council finance, economic, accounting and taxation policy, supervise, direct and control all finance, economic, statistical and accounting functions and manage the Consolidated Revenue Fund and all public money.

Administration of Acts

(2) The Treasurer is responsible for the administration of this Act, the Acts set out in Schedule 1 and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council. 1972, c. 3, s. 4, *amended*.

Deputy Treasurer

6.—(1) The Lieutenant Governor in Council shall appoint a Deputy Treasurer of Ontario and Deputy Minister of Economics who shall be the deputy head of the Ministry of Treasury and Economics.

(2) Under the direction of the Treasurer, the Deputy Treasurer shall perform such duties as the Treasurer may assign or delegate to him. Duties of Deputy Treasurer

(3) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him, in writing, subject to such limitations, conditions and requirements as the Treasurer may set out in the delegation, to the Deputy Treasurer or to any officer of the Ministry of Treasury and Economics who may act for him in his place and stead, and when the Deputy Treasurer or such other officer acts in the place and stead of the Treasurer, it shall be presumed conclusively that he acted in accordance with such delegation. 1972, c. 3, s. 5, *amended*. Delegation of powers and duties of Treasurer

(4) Notwithstanding *The Executive Council Act*, a contract or an agreement made by a person empowered to do so under subsection 3 has the same effect as if made and signed by the Treasurer. *New*. Effect of R.S.O. 1970, c. 153

7.—(1) No action or other proceeding for damages shall be instituted against the Deputy Treasurer or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. Protection from personal liability

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New*. Idem R.S.O. 1970, c. 365

8. The responsibility for the conduct of the financial business of each ministry shall rest with the head of the ministry, and the accounts, before being recommended to the Treasurer for payment, shall be checked and examined in detail and certified as correct in every respect and allowed and passed by the proper officers of the ministry. 1972, c. 3, s. 8. Responsibility with head of ministry

9.—(1) The certificate or order of the Attorney General or Deputy Attorney General that a sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice Payment for special cases

in either civil or criminal matters, is sufficient authority for the issuing of a cheque by the Treasurer for the amount named in the certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by such officer or other person.

Certificate of Attorney General or Deputy Attorney General

(2) The certificate of the Attorney General or Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for is final and conclusive and the account shall not be subject to any further examination. 1972, c. 3, s. 9.

Issue of cheques may be withheld

10.—(1) The Treasurer may withhold the issue of a cheque for the payment of public money if he has reason to believe that there is no authority for the payment.

Reference to Management Board of Cabinet

(2) When the issue of a cheque has been withheld under subsection 1, the Treasurer or the minister responsible may refer the matter to the Management Board of Cabinet for determination. 1972, c. 3, s. 10.

Information and access to records

11. Every ministry of the public service shall furnish the Treasurer with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he from time to time requires, and the Treasurer shall have access to all books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the ministry and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents or custodians. 1972, c. 3, s. 11.

Fiscal year

12.—(1) The Public Accounts shall cover the fiscal year.

Estimates

(2) All estimates submitted to the Legislature shall be for expenditures coming in course of payment during the fiscal year.

Lapse of appropriations

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse, except that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of the appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year. 1972, c. 3, s. 12.

13. The Public Accounts for each fiscal year shall be prepared under the direction of the Treasurer and shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year. 1972, c. 3, s. 13, *amended*. Preparation of Public Accounts

14. Notwithstanding anything in this Act, whenever the Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Lieutenant Governor in Council may authorize the payment of any items of expenditure so concurred in. 1972, c. 3, s. 14. Payments authorized by Assembly

15. Every person who is to examine the accounts or inquire into the affairs of any ministry pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that ministry. 1972, c. 3, s. 15. Oath of secrecy

16.—(1) A reference to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in any Act listed in Schedule 1 or in any regulation made under such Act shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics, so long as the Treasurer administers such Act. References to Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

(2) A reference to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in any contract, order in council, security or other document being of a finance, economic, taxation, statistical or accounting nature shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics. Idem

(3) A reference to, Idem

(*a*) the Treasurer of Ontario in any Act or regulation; and

(*b*) the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in any Act listed in Schedule 2 or in any regulation made under any such Act,

shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics.

(4) A reference to the Department of Treasury and Economics in any Act or regulation or a reference to the Ministry of Treasury, Economics and Intergovernmental References to Ministry of Treasury, Economics and Intergovernmental Affairs

Affairs in any Act listed in Schedule 1 or 2 or in any regulation made under such Act or in any contract, order in council, security or other document described in subsection 2 shall be deemed to be a reference to the Ministry of Treasury and Economics. 1972, c. 3, s. 17, *amended*.

Power to amend Schedules 1 and 2

17. The Lieutenant Governor in Council may by order amend Schedules 1 and 2. *New*.

Repeals

18. The following are repealed:

1. *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*, being chapter 3.

2. *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973*, being chapter 33.

3. *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973 (No. 2)*, being chapter 169.

Commencement

19. This Act shall be deemed to have come into force on the 16th day of August, 1978.

Short title

20. The short title of this Act is *The Ministry of Treasury and Economics Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 24 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE 1

The Agricultural Development Repeal Act, 1973

The Audit Act, 1977

The Farm Loans Act

The Farm Loans Adjustment Act

The Financial Administration Act

The Gold Clauses Act

The Ontario Economic Council Act

The Ontario Education Capital Aid Corporation Act

The Ontario Guaranteed Annual Income Act, 1974

The Ontario Loan Act

The Ontario Municipal Employees Retirement System Act

The Ontario Municipal Improvement Corporation Act

The Ontario Planning and Development Act, 1973

The Ontario Universities Capital Aid Corporation Act

The Ontario Youth Employment Act, 1977

The Parkway Belt Planning and Development Act, 1973

The Statistics Act

The Supply Act

The Venture Investment Corporations Registration Act, 1977

SCHEDULE 2

The Corporations Tax Act, 1972

The Development Corporations Act, 1973

The Farm Income Stabilization Act, 1976

The Gasoline Tax Act, 1973

The Gift Tax Act, 1972

The Health Insurance Act, 1972

The Housing Development Act

The Income Tax Act

The Insurance Act

The Land Speculation Tax Act, 1974

The Land Transfer Tax Act, 1974

The Legislative Assembly Retirement Allowances Act, 1973

The Motor Vehicle Fuel Tax Act

The Ontario Deposit Insurance Corporation Act

The Ontario Energy Corporation Act, 1974

The Ontario Housing Corporation Act

The Ontario Land Corporation Act, 1974

The Ontario Lottery Corporation Act, 1974

The Ontario Telephone Development Act

The Ontario Transportation Development Corporation Act, 1973

The Power Corporation Act

The Proceedings Against the Crown Act

The Public Service Act

The Public Service Superannuation Act

The Race Tracks Tax Act

The Retail Sales Tax Act

The Rural Housing Assistance Act

The Succession Duty Act

The Superannuation Adjustment Benefits Act, 1975

The Teachers' Superannuation Act

The Tobacco Tax Act

Ministry of Treasury and Economics

1st Reading

October 23rd, 1978

2nd Reading

November 7th, 1978

3rd Reading

November 7th, 1978

THE HON. F. S. MILLER
Treasurer of Ontario and Minister
of Economics

1978

BILL 143 [illegible]

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Elections Act, 1977

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ELL 143 1978

An Act to amend The Municipal Elections Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as ows:

1. Subsection 5 of section 37 of *The Municipal Elections Act, 1977*, being chapter 62, as re-enacted by the Statutes of Ontario, 1978, chapter 12, section 3, is repealed and the following substituted therefor: s. 37 (5), re-enacted

(5) Where, at 5 o'clock in the afternoon of the day following nomination day, the number of candidates who have been nominated for an office and have not withdrawn under subsection 1 of section 39 is not sufficient to fill the number of vacancies to which candidates may be elected, subsection 1 of section 40 respecting acclamation applies to those candidates, but additional nominations for the remaining vacancies in the office in respect of which there was an insufficient number of candidates may be filed in the office of the clerk on the Wednesday following nomination day between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon and the provisions of subsection 4 apply, with the necessary modifications, as though the additional nomination papers had been filed on nomination day. Where number of candidates nominated insufficient

2. Subsection 7 of section 46 of the said Act is repealed and the following substituted therefor: s. 46 (7), re-enacted

(7) In municipalities having more than 5,000 electors, the clerk shall advise each elector of the location of the polling place in which that elector is to vote, Notice of location of polling place

(*a*) in the case of a resident elector, by mailing or causing to be delivered to the elector a notice of the location of such polling place; and

(*b*) in the case of a non-resident elector, by mailing to the elector a notice of the location of such polling place.

s. 120, amended

3. Section 120 of the said Act is amended by adding thereto t following subsection:

References to time

(2) For the purpose of any proceedings under this Act, long as the time commonly observed in the municipality locality where the proceedings take place is one hour advance of standard time, the time mentioned in this A shall be reckoned in accordance with the time so commor observed and not standard time.

Saving

1977, c. 62

4. Notwithstanding this Act, where in any municipality locality proceedings in respect of the regular election 1978 were taken in accordance with *The Municipal Electi Act, 1977* as it existed on the 24th day of April, 1978, t proceedings shall be deemed not to be invalidated by reas only of the fact the proceedings were not taken in accorda with *The Municipal Elections Act, 1977*, as amended sections 1, 2 and 3 of this Act.

Commencement

5.—(1) This Act, except sections 1, 2 and 3, comes into fo on the day it receives Royal Assent.

Idem

(2) Sections 1, 2 and 3 shall be deemed to have come i force on the 25th day of April, 1978.

Short title

6. The short title of this Act is *The Municipal Elections Ame ment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Oct. 24 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipal Elections Act, 1977

1st Reading

October 23rd, 1978

2nd Reading

October 24th, 1978

3rd Reading

October 24th, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

1978

BILL 144 Pauline Leg. Leg. Sa. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The City of Hazeldean-March Act, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 144 1978

An Act to amend The City of Hazeldean-March Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The City of Hazeldean-March Act, 1978*, being chapter 55, is amended by renumbering section 1 as section 1*a* and by adding thereto the following section: s. 1, renumbered

1. In this Act, Interpretation

(*a*) "City" means the City of Hazeldean-March as established by this Act;

(*b*) "Minister" means the Minister of Intergovernmental Affairs.

2.—(1) Section 1*a* of the said Act, as renumbered by section 1, is amended by striking out "27" in the twenty-seventh line and inserting in lieu thereof "26". s. 1*a*, amended

(2) The said section 1*a* is further amended by adding thereto the following subsection: s. 1*a*, amended

(2) The Hope Sideroad shall be deemed not to be a boundary road. Hope Sideroad not a boundary road

3. The said Act is further amended by adding thereto the following section: s. 1*b*, enacted

1*b*. The City shall be an area municipality for every purpose of *The Regional Municipality of Ottawa-Carleton Act*. City deemed area municipality R.S.O. 1970, c. 407

4. Section 3 of the said Act is amended by striking out "of Hazeldean-March" in the second line and in the seventh and eighth lines. s. 3, amended

5. Section 4 of the said Act is amended by striking out "of Hazeldean-March" in the second line. s. 4, amended

s. 5, amended

6. Section 5 of the said Act is amended by striking out "Hazeldean-March" in the first and second lines.

ss. 6*a*-6*h*, enacted

7. The said Act is further amended by adding thereto the following sections:

Pensions

6*a*.—(1) Where the City or a local board thereof emplo a person theretofore employed by the Township of Marc the Township of Goulbourn or the Township of Nepean a local board of those townships, the City or local boa thereof shall be deemed to have elected to participate in t Ontario Municipal Employees Retirement System on t 1st day of December, 1978, in respect of the employee such employee was or was entitled to be a member of t Ontario Municipal Employees Retirement System on t day immediately preceding his employment with the Ci or local board thereof and such employee shall have u interrupted membership or entitlement to membership, as t case may be, in the Ontario Municipal Employees Reti ment System.

Sick leave credits

(2) Every employee of the Township of March, t Township of Goulbourn, the Township of Nepean or a local board of those townships who becomes an employee the City or a local board thereof prior to the 1st day December, 1979 shall be entitled to have placed to his cre in the sick leave credit plan which shall be established the City or local board thereof the sick leave credits standi to his credit in the sick leave credit plan of the township local board thereof by which he was formerly employed.

Holiday pay

(3) Every employee of the Township of March, t Township of Goulbourn, the Township of Nepean, or a local board of those townships who becomes an employee the City or a local board thereof prior to the 1st day December, 1979 shall be entitled to receive during his fi year of employment with the City or local board ther holidays with pay equivalent to those to which he wou have been entitled in the township or local board thereof which he was formerly employed.

Offer of employment

(4) The City shall offer to employ every person who, the 23rd day of June, 1978, was employed by the Towns of March or any local board thereof and who is so employ on the 30th day of November, 1978.

Idem

(5) The City shall offer to employ every person who, the 23rd day of June, 1978, was employed by either Township of Goulbourn or the Township of Nepean or a local board of those townships whose functions become

functions of the City or a local board thereof and who is so employed on the 30th day of November, 1978.

(6) Any person who accepts employment under subsection 4 or 5 shall be entitled to receive a wage or salary up to and including the expiry of a period of one year of the commencement of his employment with the City, of not less than he was receiving on the 23rd day of June, 1978. Salary

(7) The City shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. Application of R.S.O. 1970, c. 324

(8) Where under this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights, sick leave credits, or holiday entitlements or with regard to other matters related to employment, the Minister may by order do anything necessary to remedy or alleviate any such difficulty or hardship. Minister's orders re employee benefits

(9) Nothing in this section prevents the City or a local board thereof from terminating the employment of an employee for cause. Termination of employment for cause

6*b*.—(1) The City is constituted as a subsidiary planning area effective the 1st day of December, 1978, and the council thereof shall have all the powers of a planning board under *The Planning Act* and the council shall not be required to constitute a separate meeting as a planning board to implement any of the purposes or undertake the powers and duties of a planning board under *The Planning Act*. City constituted subsidiary planning area R.S.O. 1970, c. 349

(2) Notwithstanding the provisions of any other Act, the boundaries of the subsidiary planning areas constituted for the Township of Goulbourn and the Township of Nepean are hereby adjusted in accordance with the boundaries of the subsidiary planning area established under subsection 1. Adjustment of existing subsidiary planning area boundaries

6*c*.—(1) Every by-law of the Township of March, the Township of Goulbourn and the Township of Nepean as it exists on the 30th day of November, 1978, shall remain in force in the areas of such townships which form part of the City, and may be amended or repealed by the council of the City in so far as such by-law affects the City. Continuation of by-laws

(2) Where the Township of March, the Township of Goulbourn or the Township of Nepean has commenced procedures to enact any by-law which, prior to its enactment, requires the approval of any minister of the Crown, any Idem

provincial ministry, the Ontario Municipal Board or an provincial body or agency, and such approval has not bee obtained prior to the 1st day of December, 1978, then th council of the City shall be entitled to continue the procedur to finalize such by-law of the township in so far as it per tains to the City.

Existing speed limits continued R.S.O. 1970, c. 202

6d.—(1) Subject to subsections 2 and 3, for the purpose of section 82 of *The Highway Traffic Act*, the City shall b deemed to be a township municipality.

By-laws of Regional Council and City council

(2) Notwithstanding subsection 1, the council of Th Regional Municipality of Ottawa-Carleton and the counci of the City may exercise any of their powers under section 8 of *The Highway Traffic Act* in respect of highways unde their jurisdiction and control.

Idem

(3) Every by-law in force in the City under any provisio of section 82 of *The Highway Traffic Act* that applies on th 30th day of November, 1978, to any highway or portio thereof in the City, shall continue to apply until a by-lav passed by the council of The Regional Municipality o Ottawa-Carleton, or the council of the City, under the sai section 82 applies thereto.

Idem

(4) Consolidation of any by-laws in which the provisions o section 82 of *The Highway Traffic Act* are incorporated, withou amendment, shall be deemed not to be affected by sub section 3.

Distribution of electrical power

6e. Until a date to be determined by the order of th Minister, The Hydro-Electric Commission of the Townshi of Nepean shall continue to provide electrical power an energy to that area of the Township of Nepean amalgamate with the City.

Continuation of municipal services

6f.—(1) For the period from the 1st day of December, 197 to the 31st day of December, 1978,

(*a*) the City shall be responsible for the provision of a municipal services to the former Township of Marc and the budget of the former Township of March established for the year 1978, shall be deemed t be the budget of the City until the 31st day c December, 1978, and the City shall accept th fiscal responsibilities of the former Township c March related to such period;

(*b*) the City shall be responsible at its own expense for fire services to the entire City;

(*c*) the Township of Goulbourn shall, with the exception of fire services, be responsible at its own expense for the provision of all municipal services to the area of that township amalgamated with the City; and

(*d*) the Township of Nepean shall, with the exception of fire and police services, be responsible at its own expense for the provision of all municipal services to the area of that township amalgamated with the City.

First fiscal year

(2) The first fiscal year of the City shall commence on the 1st day of January, 1979.

Transitional adjustments

(3) The Minister may, by order, determine all outstanding fiscal matters in relation to the establishment of the City that are not provided for in the report of the referee appointed by the Ontario Municipal Board, and, during the five-year period commencing on the 1st day of January, 1979, provide for the levying of rates of taxation in any area or areas of the City that are different from the rates that would have been required to be levied and the Minister may make all such provisions for transitional adjustments as may be necessary.

Library board
R.S.O. 1970, c. 381

6*g*. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the dissolution of the Public Library Board of the Township of March and the establishment of a public library board in the City.

Council deemed recreation committee, etc.,
1974, c. 120
1974, c. 80
R.S.O. 1970, c. 384

6*h*. The council of the City shall be deemed to be a recreation committee under *The Ministry of Culture and Recreation Act, 1974*, a committee of management of a community recreation centre under *The Community Recreation Centres Act, 1974*, and a board of park management under *The Public Parks Act* and the council shall not appoint any separate recreation committee, committee of management of a community recreation centre or board of park management under the said Acts.

Miscellaneous matters

6*i*. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Commencement

8. This Act shall be deemed to have come into force on the 23rd day of June, 1978.

Short title

9. The short title of this Act is *The City of Hazeldean-March Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR OCT. 24 1978

CLERK
LEGISLATIVE ASSEMBLY

The City of Hazeldean-March Act, 1978

1st Reading

October 23rd, 1978

2nd Reading

October 24th, 1978

3rd Reading

October 24th, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental
Affairs

1978

BILL 145 1st reading Leg. Leg. S. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Regional Municipality of Niagara Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 145 1978

An Act to amend The Regional Municipality of Niagara Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 7 (1), re-enacted

(1) The Regional Council shall consist of thirty members composed of a chairman and, Composition of Regional Council

(*a*) the head of the council of each area municipality;

(*b*) six members elected by general vote of the electors of the area municipality of the City of St. Catharines;

(*c*) three members elected by general vote of the electors of the area municipality of the City of Niagara Falls;

(*d*) two members elected by general vote of the electors of the area municipality of the City of Welland;

(*e*) one member elected respectively by general vote of the electors of each of the area municipalities of the Town of Lincoln, the Town of Fort Erie, the Town of Grimsby, the Town of Niagara-on-the-Lake, the City of Port Colborne and the Town of Thorold.

2. Subsection 1 of section 11 of the said Act is repealed and the following substituted therefor: s. 11 (1), re-enacted

(1) Sixteen members of the Regional Council representing at least six area municipalities are necessary to form a Quorum voting

quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

Application

3.—(1) This section applies only to the election of members of the Regional Council to be elected by the electors of the area municipality of the City of St. Catharines in the regular election to be held in 1978.

Idem
1977, c. 62

(2) Except as provided in this section, *The Municipal Elections Act, 1977* applies, with necessary modifications, to the regular election to be held in 1978 of members of the Regional Council to be elected by the electors of the City.

Nomination day changed

(3) Notwithstanding subsection 1 of section 35 of *The Municipal Elections Act, 1977*, for the purposes of the regular election to be held in 1978 of members of the Regional Council to be elected by the electors of the City the nomination day for such election shall be the 30th day of October, 1978.

Notice

(4) Notwithstanding subsection 3 of section 35 of *The Municipal Elections Act, 1977*, not later than the 28th day of October, 1978, the clerk of the City shall post, in at least two conspicuous places in the City, notice of the date and times for filing and withdrawing nominations for the offices to which this section applies and of the number of members to be elected to the Regional Council by the electors of the City at the regular election to be held in the year 1978, and such notice shall be published not later than the 28th day of October, 1978 in a newspaper having general circulation in the City.

Idem

(5) The posting and publishing of the notice referred to in subsection 4 shall be effective to vary the terms of any notice that may have been posted or published pursuant to subsection 3 of section 35 of *The Municipal Elections Act, 1977* prior to the coming into force of this Act.

Prior nominations

(6) Nominations for the offices to which this section applies filed prior to the coming into force of this Act shall remain valid.

Prior acclamation

(7) Any declaration made prior to the coming into force of this Act that a candidate has been declared to be elected to an office to which this section applies under subsection 1 or 2 of section 40 of *The Municipal Elections Act, 1977* is hereby declared to be of no effect.

(8) Notwithstanding subsection 1 of section 39 of *The Municipal Elections Act, 1977*, a person nominated as a candidate for an office to which this section applies may withdraw his nomination in writing, verified by his affidavit and delivered to the clerk of the City before 8 o'clock in the evening of nomination day. Withdrawal of nominations 1977, c. 62

(9) A person who has been nominated on or before the 23rd day of October, 1978 for any office, other than an office to which this section applies, shall not be eligible for nomination for election to an office to which this section applies unless the person has withdrawn his nomination to such other office or offices by filing his withdrawal in writing with the clerk of the City in the clerk's office before 5 o'clock in the afternoon on the 24th day of October, 1978. Eligibility

(10) A person whose nomination is filed under subsection 5 of section 37 of *The Municipal Elections Act, 1977* for any office other than an office to which this Act applies shall not be eligible for nomination to an office to which this section applies. Idem

(11) Notwithstanding subsection 1 of section 40 of *The Municipal Elections Act, 1977*, if no more candidates are nominated for an office to which this section applies at the end of nomination day than the number to be elected, the clerk of the City shall forthwith after 8 o'clock in the evening of nomination day declare those candidates duly elected. Acclamation

(12) Notwithstanding subsection 5 of section 37 of *The Municipal Elections Act, 1977* where, at 8 o'clock in the evening of nomination day, the number of candidates who have been nominated for an office to which this section applies and who have not withdrawn under subsection 8 is not sufficient to fill the number of vacancies to which candidates may be elected, subsection 11 respecting acclamation applies to those candidates, but additional nominations for the remaining vacancies in the office in respect of which there was an insufficient number of candidates may be filed in the office of the clerk of the City on the 31st day of October, 1978 between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon and the provisions of subsection 4 of the said section 37 apply, with necessary modifications, as though the additional nomination papers had been filed on nomination day and no person so nominated may withdraw his nomination. Where number of candidates nominated insufficient

Acclamation 1977, c. 62

(13) Notwithstanding subsection 1*a* of section 40 of *Th Municipal Elections Act, 1977*, where additional nom nations have been filed under subsection 12 and th additional number of candidates nominated is not mo than the remaining number of vacancies for which th additional candidates were nominated, the clerk of th City shall forthwith after 5 o'clock in the afternoon the 31st day of October, 1978 declare those candidat duly elected.

Idem

(14) If more candidates are nominated than the number be elected but one or more candidates withdraws h nomination so that the number remaining is no mo than the number required to be elected, the clerk of th City shall forthwith after 8 o'clock in the evening nomination day declare the remaining candidate candidates to be duly elected.

Vacancy

(15) If the number of candidates declared to be elected an office under subsection 11 or 14 is less than the numb to be elected to such office so that there is a vacancy, new election shall be held to fill the vacancy.

Commencement

4.—(1) This Act, except sections 1 and 2, comes into force the day it receives Royal Assent.

Idem

(2) Sections 1 and 2 come into force on the 1st day of Dece ber, 1978.

Short title

5. The short title of this Act is *The Regional Municipality Niagara Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR OCT. 24 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Regional Municipality of
Niagara Act

1st Reading

October 23rd, 1978

2nd Reading

October 24th, 1978

3rd Reading

October 24th, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

1978

BILL 146 1st reading Leg. Leg. S. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Assessment Act

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 146 1978

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 86 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1976, chapter 65, section 1 and amended by 1977, chapter 56, section 1, is further amended, s. 86 (1), amended

   (*a*) by striking out "and" at the end of clause *c* as inserted by the 1977 amendment;

   (*b*) by adding "and" at the end of clause *d*; and

   (*c*) by striking out all that part of the subsection immediately following clause *d* and inserting in lieu thereof,

   (*e*) subject to subsection 2, the assessment roll of a municipality to be returned in the year 1978 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1977 for taxation in the year 1978 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1978,

   provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974, 1975, 1976, 1977 or 1978 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

2. Section 95 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 56, section 2, is repealed and the following substituted therefor: s. 95, re-enacted

Application

95. Section 90 ceases to be in force on the 18th day December, 1979, but shall continue in force for the purp of any pending complaint, appeal, proceeding or acti which will affect taxes for the years 1971 to and includi 1979.

s. 96 (1), re-enacted

3. Subsection 1 of section 96 of the said Act, as re-enacted the Statutes of Ontario, 1977, chapter 56, section 3, is repeal and the following substituted therefor:

Application

(1) Subject to section 97, subsection 6 of section 33 co tinues to be not in force and remains inoperative until t 1st day of January, 1979.

s. 97 (2), amended

4. Subsection 2 of section 97 of the said Act, as enacted by t Statutes of Ontario, 1972, chapter 161, section 2 and amend by 1975 (*2nd Session*), chapter 2, section 3 and 1977, chap 56, section 4, is further amended by striking out "1979", inserted in the third line by the 1977 amendment, and serting in lieu thereof "1980".

Commencement

5.—(1) This Act, except section 3, comes into force on the day of December, 1978.

Idem

(2) Section 3 shall be deemed to have come into force on t 1st day of January, 1978.

Short title

6. The short title of this Act is *The Assessment Amendment A 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1978

Roderick Le

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Assessment Act

1st Reading

October 23rd, 1978

2nd Reading

November 27th, 1978

3rd Reading

November 30th, 1978

THE HON. L. MAECK
Minister of Revenue

BILL 147 1st rd. in Leg. Leg. Assembly

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The University of Toronto Act, 1971

THE HON. B. STEPHENSON
Minister of Education and Minister of
Colleges and Universities

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 147 1978

An Act to amend The University of Toronto Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The University of Toronto Act, 1971*, being chapter 56, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: s. 1 (1), amended

(*a*) "academic unit" means University College and a college, faculty, school, institute, department or other academic division of the University so designated by the Governing Council.

(2) Clauses *b*, *d*, *f*, *l* and *m* of subsection 1 of the said section 1 are repealed and the following substituted therefor: s. 1 (1) (*b*, *f*, *l*, *m*), re-enacted s. 1 (1) (*d*), repealed

(*b*) "alumni" means persons who have received degrees or post-secondary diplomas or certificates from the University, or persons who have completed one year of full-time studies, or the equivalent thereof as determined by the Governing Council, towards such a degree, diploma or certificate and are no longer registered at the University;

. . . . .

(*f*) "council" means the governing body of an academic unit;

. . . . .

(*l*) "student" means any person registered at the University for full-time or part-time study in a program that leads to a degree or post-secondary diploma or certificate of the University or in a program designated by the Governing Council as a program of post-secondary study at the University;

(*m*) "teaching staff" means the employees of the University, University College, the constituent colleges and the arts and science faculties of the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer, unless such part-time lecturer is registered as a student, or who hold any other rank created by the Governing Council and designated by it as an academic rank for the purposes of this clause.

s. 2 (2) (*b*), re-enacted

2.—(1) Clause *b* of subsection 2 of section 2 of the said Act is repealed and the following substituted therefor:

(*b*) two members appointed by the President from among the officers of the University, University College, the constituent colleges, the federated universities and the federated and affiliated colleges.

s. 2, amended

(2) The said section 2 is amended by adding thereto the following subsection:

Eligibility of candidates

(3*a*) No person shall be a candidate for election to the Governing Council under more than one clause of subsection 2 in any one election, and, where a person is so eligible, he shall declare the clause under which he seeks election.

s. 2 (6) (*b-d*), re-enacted
s. 2 (6) (*e*, *f*), repealed

(3) Clauses *b*, *c*, *d*, *e* and *f* of subsection 6 of the said section 2 are repealed and the following substituted therefor:

(*b*) the persons appointed by the Lieutenant Governor in Council under clause *c* of subsection 2 shall be appointed for a three-year term and shall be representative of the community;

(*c*) the persons elected by the students under clause *e* of subsection 2 shall be elected for a one-year term; and

(*d*) the persons elected by the teaching staff, the administrative staff and the alumni under clauses *d*, *f* and *g*, respectively, of subsection 2 shall be elected for a three-year term.

s. 2 (11), re-enacted
s. 2 (12), repealed

(4) Subsections 11 and 12 of the said section 2 are repealed and the following substituted therefor:

Chairman and Vice-Chairman

(11) The Governing Council shall elect annually a Chairman and a Vice-Chairman from among the members appointed by the Lieutenant Governor in Council and shall fill any vacancy in the office of Chairman or Vice-Chairman from among such members.

(5) Clauses *b*, *d*, *e*, *f*, *i*, *j*, *k* and *n* of subsection 14 of the said section 2 are repealed and the following substituted therefor: s. 2 (14) (*b*, *d-f*, *i-k*, *n*), re-enacted

(*b*) appoint, promote, suspend and remove the members of the teaching and administrative staffs of the University and all such other officers and employees, including *pro tempore* appointments, as the Governing Council considers necessary or advisable for the purposes of the University or University College, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted, suspended or removed unless recommended by the President or such other officer or employee of the University designated therefor by the President under subsection 4*a* of section 5;

. . . . .

(*d*) delegate such of its powers under clauses *b* and *c* as it considers proper to the President or to such other officer or employee of the University as may be designated by the President;

(*e*) appoint committees and delegate thereto power and authority to act for the Governing Council with respect to any matter or class of matters, provided that where power and authority to act for the Governing Council are delegated, a majority of the members of the committee shall be members of the Governing Council;

(*f*) establish, change and terminate academic and administrative units within the University and determine the powers and duties of any such unit;

. . . . .

(*i*) establish, change and, subject to subsection 2 of section 12, terminate councils within the University and determine the composition, powers and duties of any such council;

(*j*) provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates;

(*k*) establish, change and terminate chairs and programs and courses of study;

. . . . .

(*n*) determine and regulate the standards for the admis-
sion of students to the University, the contents anc
curricula of all programs and courses of study anc
the requirements for graduation;

(*na*) delegate such of its powers under clauses *g*, *h*, and *n*
as it considers proper to any academic unit or council

(*nb*) determine the manner and procedure of election o
its members, including the determination of con
stituencies, assign students and members of th
teaching staff and administrative staff to such con
stituencies, and conduct such elections, but in th
case of election of members by the administrativ
staff, the teaching staff and the students, or any c
them, the elections shall be by secret ballot and n
person shall be eligible to cast more than one ballot

(*nc*) determine whether any person is a member, or an
class of persons are members, of the administrativ
staff or the teaching staff or the alumni or is or ar
a student or students, and if a student or student
whether full-time graduate, part-time graduat
full-time undergraduate or part-time undergraduat

(*nd*) invest all money that comes into its hands and tha
is not required to be expended for any purpose t
which it lawfully may be applied, subject alwa
to any express limitations or restrictions on inves
ment powers imposed by the terms of the instr
ments creating any trust as to the same, in suc
manner as it considers proper and, except where
trust instrument otherwise directs, combine tru
moneys belonging to various trusts in its care in
a common trust fund.

s. 2, amended

(6) The said section 2 is amended by adding thereto t
following subsection:

Delegation to sub-committees

(14*a*) A committee appointed under clause *e* of subsecti
14 with power and authority to act for the Governing Coun
with respect to any of the powers of the Governing Coun
under clauses *g*, *h* and *n* of subsection 14 may, with t
approval of the Governing Council, appoint and delegate su
powers to subcommittees, and the majority of the memb
of such subcommittees need not be members of the Gove
ing Council.

s. 2 (15), re-enacted

(7) Subsection 15 of the said section 2 is repealed and the
following substituted therefor:

(15) The Governing Council shall pass by-laws regulating the exercise of its powers and the calling and conduct of its meetings and those of committees appointed by it and, subject to subsection 5 of section 3, including the quorum of any such committee, and its decisions shall be made by resolutions passed at its meetings. By-laws and resolutions of Governing Council

(8) Subsection 19 of the said section 2 is repealed. s. 2 (19), repealed

3. The said Act is amended by adding thereto the following section: s. 2*a*, enacted

2*a*. Notwithstanding anything in this Act or the Acts, charters, letters patent, supplementary letters patent or articles creating or governing the Governing Council, The Toronto School of Theology or any of its member institutions and any or all of its member institutions as they may exist from time to time, the Governing Council, The Toronto School of Theology and any or all of its member institutions may enter into agreements for the purpose of enabling the University to participate in the direction of theological education programs offered by the said School and its member institutions, which agreements may include provisions not in accordance with this Act or the Acts, charters, letters patent, supplementary letters patent or articles creating or governing The Toronto School of Theology or any of its member institutions for, Degrees in theology

(*a*) the conjoint registration of students;

(*b*) the granting and conferring of conjoint earned degrees in theology;

(*c*) the disciplinary jurisdiction of the member institutions over their students and teaching staffs; and

(*d*) the relationships between the member institutions and their teaching staffs,

as are deemed appropriate from time to time, but without affecting the composition or eligibility to be a member of or to participate in the election of any member of the Governing Council or the Executive Committee or any other committee thereof.

4. Section 3 of the said Act is amended by adding thereto the following subsection: s. 3, amended

(5) Six members, at least three of whom shall be members elected by the alumni or appointed by the Lieutenant Gover- Quorum

nor in Council, constitute a quorum of the Executiv Committee.

s. 5, amended

5.—(1) Section 5 of the said Act is amended by adding theret the following subsection:

Delegation by President

(4*a*) The President, subject to the approval of the Goverr ing Council, may delegate his duties under subsection other than a recommendation to remove a member of th teaching staff, to any other officer or employee of th University.

s. 5 (6), re-enacted

(2) Subsection 6 of the said section 5 is repealed and th following substituted therefor:

Meetings of councils

(6) The President may summon a meeting of any counc

s. 5 (7), amended

(3) Subsection 7 of the said section 5 is amended by strikir out "of the colleges, faculties and schools" in the secor line.

s. 9 (2), repealed

6. Subsection 2 of section 9 of the said Act is repealed.

s. 12, re-enacted

7. Section 12 of the said Act is repealed and the following su stituted therefor:

Constituent colleges

12.—(1) The constituent colleges of the University are,

(*a*) Erindale College;

(*b*) Innis College;

(*c*) New College;

(*d*) Scarborough College;

(*e*) Woodsworth College,

and any other college hereafter established by the Governi Council.

Council of constituent colleges

(2) Each constituent college now or hereafter establish by the Governing Council shall have a council with su composition, powers and duties as are from time to ti determined by the Governing Council.

s. 19 (1), amended

8.—(1) Subsection 1 of section 19 of the said Act is amended striking out "University Affairs" in the second line a inserting in lieu thereof "Colleges and Universities".

s. 19, amended

(2) The said section 19 is amended by adding thereto t following subsection:

(3) The Governing Council shall make available to the public an annual report, including a financial statement, in such form and manner as the Governing Council may determine. Annual public report

9. Section 20 of the said Act is repealed. s. 20, repealed

10.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. Commencement

(2) Section 3 shall be deemed to have come into force on the 1st day of July, 1978. Idem

11. The short title of this Act is *The University of Toronto Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The University of Toronto Act, 1971

1st Reading

October 23rd, 1978

2nd Reading

December 5th, 1978

3rd Reading

December 12th, 1978

THE HON. B. STEPHENSON
Minister of Education and Minister of
Colleges and Universities

1978

BILL 148 (Amd. in Leg. Leg. & Libr.)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Ontario Agricultural Museum Act, 1975

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 148 1978

An Act to amend The Ontario Agricultural Museum Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Ontario Agricultural Museum Act, 1975*, being chapter 58, is repealed and the following substituted therefor: s. 11. re-enacted

11.—(1) Any moneys realized from donations, and the sale of property and artifacts under section 8, shall be paid into the Consolidated Revenue Fund and shall be held by the Treasurer of Ontario in trust for the Museum and section 16 of *The Financial Administration Act* applies to such moneys. Moneys to be held in trust for Museum R.S.O. 1970. c. 166

(2) Any moneys realized from grants shall be paid into the Consolidated Revenue Fund and, with the consent of the Treasurer of Ontario, may be held in trust for the Museum, in which case section 16 of *The Financial Administration Act* shall apply to such moneys. Moneys may be held in trust for Museum

(3) Any moneys to which subsection 1 applies or held in trust for the Museum under subsection 2 may be used by or on behalf of the Museum for the purpose of purchasing such property and artifacts as are consistent with the objects of the Museum. Use of moneys

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Ontario Agricultural Museum Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ontario Agricultural Museum
Act, 1975

1st Reading

October 23rd, 1978

2nd Reading

December 4th, 1978

3rd Reading

December 4th, 1978

THE HON. W. NEWMAN
Minister of Agriculture and Food

1978

BILL 150 1st Reading Leg. Leg. Assembly

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ELL 150 1978

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, and amended by the Statutes of Ontario, 1974, chapter 123, section 3, 1977, chapter 54, section 1 and 1978, chapter 24, section 2, is further amended by adding thereto the following subsection: s. 13, amended

(2*a*) No person shall drive a motor vehicle on a highway while contravening a condition contained in his driver's licence or imposed by the regulations. Driving in breach of condition prohibited

2.—(1) Clauses *a* and *b* of subsection 1 of section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 54, section 4, are repealed and the following substituted therefor: s. 20 (1) (*a*, *b*), re-enacted

(*a*) upon the first conviction, three months;

(*b*) upon the first subsequent conviction, six months; and

(*c*) upon an additional subsequent conviction, three years,

. . . . .

(2) Subsection 2 of the said section 20, as re-enacted by the Statutes of Ontario, 1976, chapter 37, section 3, is amended by striking out "purpose of clause *b*" in the sixth line and inserting in lieu thereof "purposes of clauses *b* and *c*". s. 20 (2), amended

3.—(1) Subsection 9 of section 37 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 4, section 4, is s. 37 (9), amended

further amended by striking out "outside a city, tow village" in the first line.

s. 37 (11), amended

(2) Subsection 11 of the said section 37, as amended by Statutes of Ontario, 1978, chapter 4, section 4, is fur amended by striking out "outside a city, town or vill in the first line.

s. 65 (2), amended

4. Subsection 2 of section 65 of the said Act, as re-enacted the Statutes of Ontario, 1977, chapter 65, section 2, amended by the Statutes of Ontario, 1978, chapter 4, sec 11, is further amended by striking out "2.6 metres" in fifth line of the amendment of 1978 and inserting in thereof "2.7 metres".

s. 70 (3), amended

5. Subsection 3 of section 70 of the said Act, as re-enacted the Statutes of Ontario, 1977, chapter 65, section 3, is amen by adding at the end thereof "or to motor vehicles or to building machines operated by or on behalf of a municipa or other authority having jurisdiction over highways when vehicle or machine is equipped with a snow clearing device

s. 75 (2), amended

6. Subsection 2 of section 75 of the said Act, as re-enacted the Statutes of Ontario, 1977, chapter 65, section 3, is amen by adding at the end thereof "and the part of the prov to which the designation shall apply".

s. 77 (10), re-enacted

7.—(1) Subsection 10 of section 77 of the said Act, as re-ena by the Statutes of Ontario, 1977, chapter 65, sectio is repealed and the following substituted therefor:

Extension of period by municipality

(10) The municipal corporation or other authority ha jurisdiction over any highway may declare the provision subsections 5, 7 and 13 to apply to highways under jurisdiction during any period of the year, or that the visions of subsections 5 and 7 do not apply to any o highways under its jurisdiction.

s. 77 (12), amended

(2) Subsection 12 of the said section 77 is amended inserting after "by-law" in the second line "approved by Ministry".

s. 82 (17), amended

8. Subsection 17 of section 82 of the said Act, as amended the Statutes of Ontario, 1977, chapter 19, section 3, is fur amended by striking out "provincial" in the first line inserting in lieu thereof "court or".

s. 86, amended

9. Section 86 of the said Act is amended by adding thereto following subsections:

(2) For the purposes of subsection 1, a constable or other police officer may close a highway or any part thereof to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices as prescribed in the regulations. Highway closing

(3) Where signs or traffic control devices have been posted or placed under subsection 2, no person shall drive or operate a vehicle on the closed highway or part thereof in intentional disobedience of the signs or traffic control devices. Driving on closed highway prohibited

(4) Subsection 3 does not apply to a vehicle or road-building machine while it is being used for maintenance of the highway or an ambulance, a fire department vehicle, a public utility emergency vehicle or a police vehicle. Exception to subs. 3

(5) Every person using a highway closed to traffic in accordance with this section does so at his own risk and the Crown or road authority having jurisdiction and control of the highway is not liable for any damage sustained by a person using the highway so closed to traffic. No Crown or road authority liability

(6) The Lieutenant Governor in Council may make regulations providing for the posting of signs and the placing of traffic control devices on any highway or any type or class thereof for the purposes of this section, and prescribing the types of signs and traffic control devices. Regulations

Subsection 3 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 19, section 6, is repealed and the following substituted therefor: s. 92 (3), re-enacted

(3) When a vehicle or street car is approaching a pedestrian crossover and is within 30 metres thereof, the driver of any other vehicle or street car approaching from the rear shall not allow the front extremity of his vehicle or streetcar to pass beyond the front extremity of the other vehicle or street car. Passing moving vehicles within 30 metres of pedestrian crossover

—(1) Subsection 5 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (5), re-enacted

(5) When a red signal-light is shown at an intersection, every driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before red

entering the intersection, and shall not proceed until a gre light is shown, but the driver or operator may, after bringi the vehicle or car to a full stop,

(*a*) turn to the right; or

(*b*) turn to the left from a one-way street into a one-w street.

s. 96, amended

(2) The said section 96, as amended by the Statutes of Ontar 1974, chapter 123, section 25, 1977, chapter 19, sectio and 1977, chapter 54, section 13, is further amended adding thereto the following subsection:

Idem

(9*a*) Where a signal-light traffic control system shows green arrow without the red signal-light illuminated at intersection, the driver or operator of a vehicle or car of electric railway that is approaching the intersection and fac the arrow, may proceed into the intersection only to foll the direction indicated by the arrow.

s. 96 (17), re-enacted

(3) Subsection 17 of the said section 96, as amended by Statutes of Ontario, 1977, chapter 19, section 9, repealed and the following substituted therefor:

Signal-light traffic control system

(17) Every signal-light traffic control system shall con of a minimum of two sets of,

(*a*) green, amber and red signal-lights;

(*b*) green arrow, amber and red signal-lights;

(*c*) green arrow, green, amber and red signal-lights;

(*d*) any combination thereof.

Idem

(17*a*) Where a signal-light traffic control system is insta one signal-light shall be located to the right side of roadway used by the traffic controlled by it and to the of the intersection that is remote from the traffic as approaches, and at least two sets of signal-lights shall installed facing each direction from which traffic approac the intersection.

Idem

(17*b*) Where traffic is controlled in separate lanes by sig lights, one set may be suspended over the centre point each lane separately controlled to the side of the intersec roadway that is remote from traffic as it approaches.

Idem

(17*c*) Traffic signal-lights, where installed, shall be not than 2.75 metres from the level of the roadway when adjac

to the travelled portion of the roadway and not less than 4.5 metres from the level of the roadway when suspended over the travelled portion of the roadway.

(17*d*) Where traffic signal-lights are installed at a location other than an intersection, the arrangement of the lights shall comply as nearly as possible with the provisions of subsections 17*a*, 17*b* and 17*c*. Idem

2.—(1) Subsection 1 of section 98 of the said Act is amended by striking out "making" in the sixth line and inserting in lieu thereof "marking". s. 98 (1), amended

(2) Subsection 3 of the said section 98 is repealed and the following substituted therefor: s. 98 (3), re-enacted

(3) Where a person in charge of a vehicle or on horseback on a highway is overtaken by a vehicle or horseman travelling at a greater speed, the person so overtaken shall turn out to the right and allow the overtaking vehicle or horseman to pass, but this does not apply to a vehicle, road-building machine or apparatus while engaged in the construction, maintenance or marking of a highway. Vehicles or horsemen overtaken by others

3. Subsection 2 of section 105 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 19, section 11, is repealed and the following substituted therefor: s. 105 (2), re-enacted

(2) The driver or operator of a commercial motor vehicle when driving on a highway at a speed exceeding 60 kilometres per hour shall not follow within 60 metres of another motor vehicle, but this shall not be construed to prevent a commercial motor vehicle overtaking and passing another motor vehicle. Headway for commercial vehicles

4.—(1) Subsection 8 of section 116 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 19, section 16, is further amended by striking out "outside a city, town or village" in the second line and inserting in lieu thereof "on which the maximum speed limit is in excess of 60 kilometres per hour". s. 116 (8), amended

(2) Subsection 9 of the said section 116, as amended by the Statutes of Ontario, 1977, chapter 19, section 16, is further amended by striking out "outside a city, town or village" in the fourth line and inserting in lieu thereof "on which the maximum speed limit is in excess of 60 kilometres per hour". s. 116 (9), amended

s. 129, re-enacted

15. Section 129 of the said Act is repealed and the followi substituted therefor:

Removal of aircraft from highway after emergency landing

129.—(1) Where an aircraft has made an emergen landing on a highway, the pilot in command thereof, if he physically capable, shall, as soon after landing as is reasc ably possible, remove or cause it to be removed from t roadway.

Aircraft and movement along highway subject to Act

(2) Subject to subsection 3, no aircraft shall be driv or drawn along a highway unless the aircraft and the mov ment thereof comply with the provisions of this Act respe ing vehicles and the movement thereof on a highway.

Aircraft take-off from highway

(3) Where an aircraft has landed on a highway because an emergency related to the operation of the aircraft, t aircraft may take off from the highway provided,

(*a*) a commercial licensed pilot, not being the owr of the aircraft, who is qualified to fly that cl and category of aircraft, and the pilot in comma of the aircraft are both satisfied that the aircraft airworthy and that there are no physical obstru tions on or over the highway which would ma such take off unsafe;

(*b*) the pilot in command of the aircraft is satisfied th weather conditions are satisfactory for the purp and that the minimum requirements are met un the visual flight rules established by the regulatic made under the *Aeronautics Act* (Canada) or, if t flight is to be continued under instrument fli rules, that adequate arrangements can be made obtaining a clearance from an air traffic control u prior to entering instrument flight weather co ditions;

R.S.C. 1970, c. A-3

(*c*) traffic control is provided by the appropriate pol force; and

(*d*) the police force consents to the take off.

Penalty

(4) Every person who contravenes any of the provisic of this section is guilty of an offence and on summary co viction is liable to a fine of not more than $5,000.

No liability where good faith

(5) No action or other proceeding for damages shall instituted against a police force, police officer or pilot, for act or an omission done or omitted to be done by it or h

in respect of the subject-matter of subsection 3 where the force, officer or pilot was acting in good faith.

6. Subsection 1 of section 152*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 66, section 8, is amended by adding thereto the following clause: s. 152*a* (1), amended

(*ca*) "Ministry" means the Ministry of the Attorney General.

7.—(1) This Act, except sections 3 and 13, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3 and 13 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

8. The short title of this Act is *The Highway Traffic Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

1st Reading

October 24th, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 12th, 1978

THE HON. J. W. SNOW
Minister of Transportation and
Communications

1978

BILL 151 1st rd. in Leg. Leg. Ass. Ulm

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to repeal The Land Speculation Tax Act, 1974

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 151 1978

An Act to repeal The Land Speculation Tax Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Land Speculation Tax Act, 1974*, being chapter 17, *The Land Speculation Tax Amendment Act, 1974*, being chapter 121, *The Land Speculation Tax Amendment Act, 1974 (No. 2)*, being chapter 107, and *The Land Speculation Tax Amendment Act, 1977*, being chapter 15, are repealed in respect of, and do not apply to, Repeals

   (*a*) any disposition of or with respect to designated land that occurs on or after the 24th day of October, 1978; and

   (*b*) any disposition of or with respect to designated land that occurred prior to the 24th day of October, 1978 and that required the transferor making the disposition to give, with respect to the designated land being disposed of, a deed, conveyance or transfer thereof that is actually registered in the proper land registry office on or after the 24th day of October, 1978,

   but the statutes hereby repealed continue, subject to section 2, to apply in respect of all dispositions of or with respect to designated land other than dispositions described in clause *a* or *b*.

2. Where, prior to the 24th day of October, 1978, a special lien arose or came into existence on any designated land by virtue of section 5 of *The Land Speculation Tax Act, 1974* as it existed before such day, such designated land is, upon the 1st day of January, 1979, absolutely discharged from such special lien then remaining in force unless, prior to the 1st day of January, 1979, there is registered in the proper land registry office a notice claiming such special lien. Discharge of lien 1974, c. 17

Interpretation

3. In the construction and application of this Act, any word expression used herein has the same meaning as such word expression had in *The Land Speculation Tax Act, 1974* or t regulations made thereunder as they existed on the 23rd d of October, 1978.

Commencement

4. This Act shall be deemed to have come into force on the 24 day of October, 1978.

Short title

5. The short title of this Act is *The Land Speculation Tax Repe Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 24 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to repeal
The Land Speculation Tax Act, 1974

1st Reading

October 24th, 1978

2nd Reading

October 31st, 1978

3rd Reading

November 23rd, 1978

THE HON. L. MAECK
Minister of Revenue

1978

BILL 155 Pauline Leg. Leg. Sitting

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Art Gallery of Ontario Act

THE HON. R. BAETZ
Minister of Culture and Recreation

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 155 1978

n Act to amend The Art Gallery of Ontario Act

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as lows:

1. Section 1 of *The Art Gallery of Ontario Act*, being chapter 29 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause: s. 1, amended

(*c*) "member of the executive committee" means a trustee of the Board elected to the executive committee by the Board from among its members according to the by-laws of the Board.

2.—(1) Clause *c* of subsection 1 of section 4 of the said Act is repealed and the following substituted therefor: s. 4 (1) (*c*), re-enacted

(*c*) two persons appointed by the council of The Municipality of Metropolitan Toronto, one of whom shall be a person who is both a member of the council of the City of Toronto and a member of the council of The Municipality of Metropolitan Toronto.

(2) Subsection 2 of the said section 4, as re-enacted by the Statutes of Ontario, 1972, chapter 72, section 2, is repealed and the following substituted therefor: s. 4 (2), re-enacted

(2) A trustee appointed under clause *a* or *c* or elected under clause *b* of subsection 1 shall hold office for a term of one year or until his successor is appointed or elected, as the case may be, and, subject to subsection 3, a trustee appointed under clause *d* of subsection 1 shall hold office for a term of three years or until his successor is appointed. Term of office

(3) Subsection 3*a* of the said section 4, as enacted by the Statutes of Ontario, 1972, chapter 72, section 2, is repealed and the following substituted therefor: s. 4 (3*a*), re-enacted

Vacancies

(3*a*) Where a vacancy occurs for any reason in the offi of trustee, the vacancy may be filled,

(*a*) in the case of a vacancy of a trustee appointe under clause *a* of subsection 1, by appointment b The College of Founders of the Art Gallery Ontario;

(*b*) in the case of a vacancy of a trustee elected und clause *b* of subsection 1, by appointment by th remaining trustees elected by the membership the Gallery;

(*c*) in the case of a vacancy of a trustee appointed und clause *c* of subsection 1, be appointed by th council of The Municipality of Metropolitan Toront and

(*d*) in the case of a vacancy of a trustee appoint under clause *d* of subsection 1, by appointment b the Lieutenant Governor in Council,

and a person so appointed shall hold office for the remaind of the term of his predecessor except that, in the case of vacancy referred to in clause *b*, the person so appointed sha hold office until the next annual meeting of the membe ship of the Gallery.

s. 4, amended

(4) The said section 4, as amended by the Statutes of Ontar 1972, chapter 72, sections 1 and 2, is further amend by adding thereto the following subsection:

Term of office

(3*c*) Notwithstanding subsection 3*b*, a trustee who is member of the executive committee may be reappointed the expiration of his second consecutive term.

s. 5 (*a*) (iii), amended

3.—(1) Subclause iii of clause *a* of section 5 of the said Act amended by striking out "providing for and regulati meetings of the members" in the third and fourth lin and inserting in lieu thereof, "providing for and reg lating meetings of members including the conduct o mail ballot to decide any issue in respect of which t members are entitled to vote, subject to the requirem that the members be mailed information concerning e issue at least thirty days in advance of the final date the return of mail ballots, and".

(2) The said section 5, as amended by the Statutes of Ontario, 1972, chapter 72, section 3, is further amended by adding thereto the following clause:

(*da*) delegate to the Director the authority to fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of the staff of the Gallery.

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

5. The short title of this Act is *The Art Gallery of Ontario Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Art Gallery of Ontario Act

1st Reading

October 26th, 1978

2nd Reading

November 28th, 1978

3rd Reading

November 30th, 1978

THE HON. R. BAETZ
Minister of Culture and Recreation

1978

BILL 156 | Cancl. in Leg. Leg. S. Ther

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to render immune from Seizure certain Objects of Cultural Significance brought into Ontario for Temporary Display or Exhibition

THE HON. R. BAETZ
Minister of Culture and Recreation

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 156 **1978**

An Act to render immune from Seizure certain Objects of Cultural Significance brought into Ontario for Temporary Display or Exhibition

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) When any work of art or other object of cultural significance from a foreign country is brought into Ontario pursuant to an agreement between the foreign owner or custodian thereof and the Government of Ontario or any cultural or educational institution in Ontario providing for the temporary exhibition or display thereof in Ontario administered, operated or sponsored, without profit, by the Government of Ontario or any such cultural or educational institution, no proceeding shall be taken in any court and no judgment, decree or order shall be enforced in Ontario for the purpose or having the effect of depriving the Government of Ontario or such institution, or any carrier engaged in transporting such work or object within Ontario, of custody or control of such work or object if, before such work or object is brought into Ontario, the Lieutenant Governor in Council determines by order in council that such work or object is of cultural significance and that the temporary exhibition or display thereof in Ontario is in the interest of the people of Ontario and such order in council has been published in *The Ontario Gazette*.

Immunity of certain foreign cultural objects from seizure while in Ontario

(2) Subsection 1 does not preclude any judicial action for or in aid of the enforcement of the terms of any such agreement or the enforcement of the obligation of any carrier under any contract for the transportation of any such work or object or the fulfilment of any obligation assumed by the Government of Ontario or such institution pursuant to any such agreement.

Subs. 1 not to preclude enforcement of agreements, etc.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Foreign Cultural Objects Immunity from Seizure Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1978

Roderick Lew

CLERK
LEGISLATIVE ASSEMBLY

An Act to render immune from Seizure certain Objects of Cultural Significance brought into Ontario for Temporary Display or Exhibition

---

1st Reading

October 26th, 1978

2nd Reading

November 28th, 1978

3rd Reading

November 30th, 1978

THE HON. R. BAETZ
Minister of Culture and Recreation

1978

BILL 157

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Income Tax Act

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 157 1978

An Act to amend The Income Tax Act

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as ows:

1. Paragraph 22 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, is amended by striking out "the Northwest Territories or" in the first and second lines. s. 1 (1), par. 22, amended

2.—(1) Clause *a* of subsection 4 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 100, section 2, is amended by inserting after "section" in the seventh line "122.1,". s. 3 (4) (*a*), amended

(2) Clause *b* of subsection 7 of the said section 3, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 1 and amended by 1975, chapter 16, section 1, is further amended by striking out "tax" in the third line and inserting in lieu thereof "tax, other than any tax payable pursuant to subsection 2*a*,". s. 3 (7) (*b*), amended

3. Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1971 (*2nd Session*), chapter 1, section 10 and 1977, chapter 6, section 4, is further amended, s. 10 (1), amended

(*a*) by striking out "or" at the end of clause *j*;

(*b*) by adding "or" at the end of clause *k*; and

(*c*) by adding thereto the following clause:

(*l*) a payment out of or under a registered retirement income fund,

. . . . .

4. The said Act is amended by adding thereto the following section: s. 26*a*, enacted

Remission of provincial portion of federal tax remitted
R.S.C. 1970, c. F-10

26*a*. Where, pursuant to the *Financial Administration A* (Canada), remission is granted of any tax, interest or penal paid under the Federal Act by or for an individual, and whe any tax, interest or penalty was paid by that individu under this Act in respect of the same circumstances th gave rise to the remission granted under the *Financ Administration Act* (Canada), the provincial Minister ma if he considers that the circumstances are sufficiently simi and that a remission of any money paid under this Act shou be granted either in the public interest or for the relief hardship, grant remission of all or any part of any ta interest or penalty paid under this Act in such circumstanc and may authorize the repayment to the person entitl thereto of any amount remitted by him in accordance wi this section.

s. 47 (4), amended

5. Subsection 4 of section 47 of the said Act is amended striking out "that he has charge of the appropriate record in the fifth line.

Commencement

6.—(1) This Act, except sections 1 and 5, comes into force the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force the 1st day of January, 1978.

Idem

(3) Section 5 comes into force on the 1st day of Janua 1979.

Short title

7. The short title of this Act is *The Income Tax Amendment A 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 19 78

Roderick Lew

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Income Tax Act

1st Reading

October 26th, 1978

2nd Reading

November 27th, 1978

3rd Reading

November 30th, 1978

THE HON. L. MAECK
Minister of Revenue

1978

BILL 158 1 and. in Leg. Leg. & Leg.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Gasoline Tax Act, 1973

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 158 1978

An Act to amend The Gasoline Tax Act, 1973

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as ows:

1.—(1) Subsections 1 and 2 of section 2 of *The Gasoline Tax Act, 1973*, being chapter 99, are repealed and the following substituted therefor: s. 2 (1, 2), re-enacted

(1) Every purchaser of gasoline shall pay to the Treasurer a tax at the rate of 4.2 cents per litre on all gasoline purchased, or delivery of which is received, by him. Tax payable by purchaser

(2) Every purchaser of aviation fuel shall pay to the Treasurer a tax at the rate of 0.66 cents per litre on all aviation fuel purchased, or delivery of which is received, by him. Tax on aviation fuel

(2) The said section 2 is amended by adding thereto the following subsection: s. 2, amended

(4) Where any person selling gasoline or aviation fuel receives any payment made as or in lieu of the tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act or the regulations for the collection and enforcement of the tax payable under this Act. Amounts in lieu of tax

2. Section 27 of the said Act is amended by adding thereto the following subsections: s. 27, amended

Limitation

(4) Notwithstanding subsection 1, no refund or appli tion of an overpayment of tax shall be made unless, witl two years following the date when such overpayment w first made, an application for the refund thereof is made the Minister and it is established within such two years the satisfaction of the Minister that the amount a refund which is sought was not payable under this Act.

Exception

(5) Where, as the result of an assessment or re-assessme or the final decision of a court in proceedings commenc under section 14, the person assessed or re-assessed or t appellant, as the case may be, has overpaid the tax paya under this Act, the amount of such overpayment shall refunded or applied in accordance with subsection 1 a notwithstanding the limitations contained in subsection 4.

s. 30*a*, enacted

3. The said Act is amended by adding thereto the follow section:

Inter-provincial settlement of competing tax claims

30*a*. For the purpose of simplifying compliance w this Act and the administration and collection of the t imposed by this Act, and in order to provide for recipro arrangements to settle competing claims for tax on acquisition and use of gasoline or aviation fuel by perso carrying on business in more than one province or territo of Canada, the Lieutenant Governor in Council may, up the recommendation of the Minister and on such terms a conditions as are considered necessary and expedient, en into an agreement with any province or territory of Cana that tax paid to one jurisdiction on the acquisition there gasoline or aviation fuel that is transferred to the ot jurisdiction and that becomes liable to tax in such ot jurisdiction under this Act or any similar legislation in fo in such other jurisdiction may be paid by one jurisdict to the other in reduction of the liability to such tax aris in the jurisdiction receiving such payment and in lieu refunding such tax to the person who paid it and who beca liable for a similar tax in such other jurisdiction.

Commencement

4.—(1) This Act, except subsection 1 of section 1, comes i force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 1 comes into force on the 1st d of January, 1979.

Short title

5. The short title of this Act is *The Gasoline Tax Amendm Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1978

Roderick Lew

An Act to amend
The Gasoline Tax Act, 1973

1st Reading

October 26th, 1978

2nd Reading

November 27th, 1978

3rd Reading

November 30th, 1978

THE HON. L. MAECK
Minister of Revenue

1978

BILL 159

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Motor Vehicle Fuel Tax Act

THE HON. L. MAECK
Minister of Revenue

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 159 1978

An Act to amend The Motor Vehicle Fuel Tax Act

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as lows:

1. Clause *b* of subsection 3 of section 2 of *The Motor Vehicle Fuel Tax Act*, being chapter 282 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1977, chapter 18, section 1, is amended by striking out "75 gallons" in the seventh line and inserting in lieu thereof "350 litres". s. 2 (3) (*b*), amended

2.—(1) Subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 14, section 2, is repealed and the following substituted therefor: s. 3 (1), re-enacted

(1) Every purchaser shall pay to the Treasurer a tax at the rate of 5.5 cents per litre on all fuel received or used in Ontario by him to generate power in a motor vehicle. Tax

(2) Subsection 2 of the said section 3, as amended by the Statutes of Ontario, 1972, chapter 14, section 2, is repealed and the following substituted therefor: s. 3 (2), re-enacted

(2) Every registrant shall pay to the Treasurer a tax at the rate of 5.5 cents per litre on all fuel used by him to generate power in a motor vehicle. Idem

3. Subsection 1 of section 4 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 147, section 3 and 1977, chapter 18, section 3, is further amended by striking out "forty imperial gallons" in the first line and inserting in lieu thereof "200 litres". s. 4 (1), amended

4. Subsection 1 of section 4*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 147, section 4 and amended by 1977, chapter 18, section 4, is further amended by striking out "forty imperial gallons" in the eighth line and inserting in lieu thereof "200 litres". s. 4*a* (1), amended

s. 8 (1) (*a*), re-enacted

5. Clause *a* of subsection 1 of section 8 of the said Act is repeal and the following substituted therefor:

(*a*) without notice or demand and at the time and the manner prescribed in the regulations; or

. . . . .

s. 16 (1), amended

6.—(1) Subsection 1 of section 16 of the said Act, as re-enact by the Statutes of Ontario, 1972, chapter 147, section is amended by striking out "or" at the end of clause and by striking out clause *c*.

s. 16 (2, 3), re-enacted

(2) Subsections 2 and 3 of the said section 16 are repeal and the following substituted therefor:

Garnishment

(2) When the Minister has knowledge or suspects that person is or is about to become indebted or liable to ma any payment to a person liable to make a payment or r mittance under this Act, he may, by registered letter or b a letter served personally, require the first-named person pay the moneys otherwise payable to the second-nam person in whole or in part to the Treasurer on account the liability under this Act.

Idem

(3) The receipt of the Treasurer for moneys paid as r quired under this section is a good and sufficient dischar of the original liability to the extent of the payment.

Liability of debtor

(4) Every person who has discharged any liability to person liable to make a payment or remittance under th Act without complying with the requirements under th section is liable to pay to the Treasurer an amount equ to the liability discharged or the amount he was requir under this section to pay to the Treasurer, whichever is th lesser.

Service of garnishee

(5) Where a person who is or is about to become indebt or liable to make a payment to a person liable to make payment or remittance under this Act carries on busine under a name and style other than his own name, the regi tered or other letter under subsection 2 may be addressed the name or style under which he carries on business an in the case of personal service, shall be deemed to have be validly served if it has been left with an adult person er ployed at the place of business of the addressee.

Idem

(6) Where persons who are or are about to become i debted or liable to make a payment to a person liable make a payment or remittance under this Act carry

business in partnership, the registered or other letter under subsection 2 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

(7) Subject to *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally. Garnishment of wages R.S.O. 1970, c. 486

(8) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit. Failure to remit

7. Subsection 1 of section 16*b* of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 18, section 8, is amended by striking out "40 gallons" in the second line and inserting in lieu thereof "200 litres". s. 16*b* (1), amended

8. The said Act is amended by adding thereto the following section: s. 19*a*, enacted

19*a*. For the purpose of simplifying compliance with this Act and the administration and collection of the tax imposed by this Act, and in order to provide for reciprocal arrangements to settle competing claims for tax on the acquisition and use of fuel by persons carrying on business in more than one province or territory of Canada, the Lieutenant Governor in Council may, upon the recommendation of the Minister and on such terms and conditions as are considered necessary and expedient, enter into an agreement with any province or territory of Canada that tax paid to one jurisdiction on the acquisition there of fuel that is transferred to the other jurisdiction and that becomes liable to tax in such other jurisdiction under this Act or any similar legislation in force in such other jurisdiction may be paid by one jurisdiction to the other in reduction of the liability to such tax arising in the jurisdiction receiving such payment and in Inter-provincial settlement of competing tax claims

lieu of refunding such tax to the person who paid it and who became liable for a similar tax in such other jurisdiction.

Commencement

9.—(1) This Act, except sections 1 to 5 and section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 5 and section 7 come into force on the 1st day of January, 1979.

Short title

10. The short title of this Act is *The Motor Vehicle Fuel Tax Amendment Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Motor Vehicle Fuel Tax Act

1st Reading

October 26th, 1978

2nd Reading

November 27th, 1978

3rd Reading

November 30th, 1978

THE HON. L. MAECK
Minister of Revenue

1978

BILL 166

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to establish the Ministry of Intergovernmental Affairs

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 166 **1978**

An Act to establish the Ministry of Intergovernmental Affairs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Deputy Minister" means the Deputy Minister of Intergovernmental Affairs;

(*b*) "intergovernmental affairs" means any relationship between the Government of Ontario and the Government of Canada or a minister, agency or official thereof, the government of another province or territory of Canada or any minister, agency or official thereof, or the government of a foreign country or state or any agency thereof, or any municipality;

(*c*) "Minister" means the Minister of Intergovernmental Affairs;

(*d*) "Ministry" means the Ministry of Intergovernmental Affairs;

(*e*) "municipality" means the corporation of a metropolitan, regional or district municipality, a county, city, town, village, township or improvement district and includes a local board thereof, as defined in clause *d* of section 1 of *The Municipal Affairs Act*, and a board, commission, conservation authority or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory. R.S.O. 1970, c. 118

2. There shall be a ministry of the public service to be known as the Ministry of Intergovernmental Affairs. Ministry established

Minister to have charge

3. The Minister shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Seal

4.—(1) The Lieutenant Governor in Council may authorize a seal for the Minister and prescribe its use on documents.

Mechanical reproduction of seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed.

Federal-provincial, inter-provincial and international affairs

5.—(1) The Minister is responsible for making recommendations to the Executive Council on the programs and activities of the Government of Ontario and its agencies in relation to federal-provincial, inter-provincial and international affairs.

Municipal affairs

(2) The Minister is responsible for the policies of the Government of Ontario in relation to municipalities and, without limiting the generality of the foregoing is responsible for,

(*a*) advising the Executive Council as to the organization, function and structure of municipal institutions;

(*b*) exercising the powers conferred on the Ministry in any general or special Act in relation to the administration of municipalities; and

(*c*) co-ordinating programs of financial assistance to municipalities.

Orders establishing procedures

(3) The Lieutenant Governor in Council may, on the recommendation of the Minister, make orders establishing procedures to achieve the objectives set out in subsections 1 and 2 and, without limiting the generality of the foregoing, such orders may provide for procedures respecting the execution, by the Government of Ontario, of agreements or classes of agreements with other governments.

Administration of Acts

(4) The Minister is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.

Deputy Minister

6.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Intergovernmental Affairs who shall be the deputy head of the Ministry.

(2) Under the direction of the Minister, the Deputy Minister shall perform such duties as the Minister may assign or delegate to him. Duties of Deputy Minister

(3) Any power or duty conferred on the Minister by this or any other Act may be delegated by him in writing, subject to such limitations, conditions and requirements as the Minister may set out in the delegation, to the Deputy Minister or to any officer of the Ministry who may act for him in his place and stead, and when the Deputy Minister or such other officer acts in the place and stead of the Minister, it shall be presumed conclusively that he acted in accordance with such delegation. Delegation of powers and duties of Minister

(4) Notwithstanding *The Executive Council Act*, a contract or an agreement made by a person empowered to do so under subsection 3 has the same effect as if made and signed by the Minister. Effect of R.S.O. 1970, c. 153

7.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister, or any officer or employee of the Ministry, or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty, or for any alleged neglect or default in the execution in good faith of his duty. Protection from personal liability

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. Idem R.S.O. 1970, c. 365

8. A reference to the Treasurer of Ontario and Minister of Intergovernmental Affairs in any Act listed in the Schedule, or in any regulation, order in council, ministerial order, act or thing, made under any Act listed in such Schedule, shall be deemed to be a reference to the Minister of Intergovernmental Affairs, except where inconsistent, so long as the Minister administers such Act. References to Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

9. The Lieutenant Governor in Council may by order amend the Schedule. Amendments to Schedule

10. This Act shall be deemed to have come into force on the 16th day of August, 1978. Commencement

11. The short title of this Act is *The Ministry of Intergovernmental Affairs Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 24 1978

Roderick Lewis

SCHEDULE

The City of Cornwall Annexation Act, 1974

The City of Hamilton Act, 1975

The City of Hazeldean-March Act, 1978

The City of Port Colborne Act, 1974

The City of Thorold Act, 1975

The City of Thunder Bay Act, 1968-69

The City of Timmins-Porcupine Act, 1972

The County of Oxford Act, 1974

The District Municipality of Muskoka Act

The Fire Guardians Act

The Fires Extinguishment Act

The Haliburton Act

The Line Fences Act

The Local Improvement Act

The Moosonee Development Area Board Act

The Municipal Act

The Municipal Affairs Act

The Municipal Arbitrations Act

The Municipal Corporations Quieting Orders Act

The Municipal Elderly Residents' Assistance Act, 1973

The Municipal Elections Act, 1977

The Municipal Franchises Act

The Municipal and School Tax Credit Assistance Act

The Municipal Subsidies Adjustment Repeal Act, 1976

The Municipal Tax Assistance Act

The Municipal Unemployment Relief Act, 1971

The Municipal Works Assistance Act

The Municipality of Metropolitan Toronto Act

The Municipality of Shuniah Act, 1936

The Ontario Unconditional Grants Act, 1975

The Ottawa-Carleton Amalgamations and Elections Act, 1973

The Provincial Parks Municipal Tax Assistance Act, 1974

The Public Parks Act

The Public Utilities Act

The Public Utilities Corporations Act

The Regional Municipality of Durham Act, 1973

The Regional Municipality of Haldimand-Norfolk Act, 1973

The Regional Municipality of Halton Act, 1973

The Regional Municipality of Hamilton-Wentworth Act, 1973

The Regional Municipality of Niagara Act

The Regional Municipality of Ottawa-Carleton Act

The Regional Municipality of Peel Act, 1973

The Regional Municipality of Sudbury Act, 1972

The Regional Municipality of Waterloo Act, 1972

The Regional Municipality of York Act

The Shoreline Property Assistance Act, 1973

The Snow Roads and Fences Act

The Statute Labour Act

The Tax Sales Confirmation Act, 1974

The Territorial Division Act

The Town of Wasaga Beach Act, 1973

The Township of North Plantagenet Act, 1976

The Vacant Land Cultivation Act

The Village of Point Edward Act, 1972

The Wharfs and Harbours Act

An Act to establish the
Ministry of Intergovernmental Affairs

1st Reading

November 2nd, 1978

2nd Reading

November 21st, 1978

3rd Reading

November 21st, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

1978

BILL 168 (Auld, the Hon. Leg. Sec.)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Niagara Parks Act

THE HON. J. A. C. AULD
Minister of Natural Resources and
Minister of Energy

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 168 1978

An Act to amend The Niagara Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Niagara Parks Act*, being chapter 298 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 19*a*, enacted

19*a*. Every person who contravenes any provision of the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than $500. Offence

2. Clause *j* of subsection 1 of section 20 of the said Act is repealed. s. 20 (1) (*j*), repealed

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is *The Niagara Parks Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 19 78

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Niagara Parks Act

1st Reading

November 7th, 1978

2nd Reading

December 4th, 1978

3rd Reading

December 4th, 1978

THE HON. J. A. C. AULD
Minister of Natural Resources and
Minister of Energy

1978

BILL 172 1 aut. in Leg. Leg. Assn. Ther

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to erect the Township of Nepean into a City Municipality

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 172 **1978**

An Act to erect the Township of Nepean into a City Municipality

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Township of Nepean is erected into a city municipality bearing the name of The Corporation of the City of Nepean. Township of Nepean erected into city municipality

2. Sections 17, 19 and 22 of *The Municipal Act* apply with necessary modifications in respect of the erecting of the Township of Nepean into a city municipality. Application of R.S.O. 1970, c. 284, ss. 17, 19, 22

3. A reference in any general or special Act to The Corporation of the Township of Nepean or to the Township of Nepean shall be deemed to be a reference to The Corporation of the City of Nepean and to the City of Nepean, respectively. References in other Acts

4.—(1) Nothing in this Act shall, for the period commencing the 1st day of December, 1978 and ending on the 30th day of November, 1980, affect the representation of the City of Nepean on the council of The Regional Municipality of Ottawa-Carleton as established by subsection 1 of section 4 of *The Regional Municipality of Ottawa-Carleton Act*. Representation on Regional Council R.S.O. 1970, c. 407

(2) Notwithstanding subsections 4, 6 and 8 of section 110 of *The Education Act, 1974*, nothing in this Act shall, for the period commencing the 1st day of December, 1978 and ending on the 30th day of November, 1980, affect the representation on The Carleton Roman Catholic Separate School Board of any area municipality within the jurisdiction of the said Board. Representation on The Carleton Roman Catholic Separate School Board 1974, c. 109

5. The reeve of the Township of Nepean shall be the mayor of the City of Nepean and, except for the purposes of clause *f* of subsection 1 of section 4 of *The Regional* Mayor and aldermen

Municipality of Ottawa-Carleton Act, the deputy reeve and councillors of the Township shall be aldermen of the City.

Deemed township municipality for calculation of grants

6. For the purpose of the calculation of the payment of grants by the Government of Ontario to the City of Nepean for the period ending the 31st day of December, 1978, the City shall be deemed to be a township municipality.

Existing speed limits continued R.S.O. 1970, c. 202

7.—(1) Subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act*, the City of Nepean shall be deemed to be a township municipality.

By-laws of Regional Council and City council

(2) Notwithstanding subsection 1, the council of The Regional Municipality of Ottawa-Carleton and the council of the City may exercise any of their powers under section 82 of *The Highway Traffic Act* in respect of highways under their jurisdiction and control.

Idem

(3) Every by-law in force in the City under any provision of section 82 of *The Highway Traffic Act* that applies, on the day this Act comes into force, to any highway or portion thereof in the City, shall continue to apply until a by-law passed by the council of The Regional Municipality of Ottawa-Carleton, or the council of the City, under the said section 82 applies thereto.

Idem

(4) Consolidation of any by-laws in which the provisions of section 82 of *The Highway Traffic Act* are incorporated, without amendment, shall be deemed not to be affected by subsection 3.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is *The City of Nepean Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 24 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to erect the Township of Nepean into a City Municipality

---

1st Reading

November 9th, 1978

2nd Reading

November 21st, 1978

3rd Reading

November 21st, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

1978

BILL 173 Pauline Cy. Cy. Sublin

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Crown Employees Collective Bargaining Act, 1972

THE HON. G. MCCAGUE
Chairman of Management Board of Cabinet

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 173 1978

An Act to amend The Crown Employees Collective Bargaining Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, as re-enacted by the Statutes of Ontario, 1974, chapter 135, section 9, is amended by adding thereto the following subsections: s. 18, amended

(3*a*) Where, in exercising its authority under subsection 3, the Grievance Settlement Board finds that an employee who works in a facility, Idem, employee who works in a facility

(*a*) has applied force to a resident in the facility, except the minimum force necessary for self-defence or the defence of another person or necessary to restrain the resident; or

(*b*) has sexually molested a resident in the facility,

the Grievance Settlement Board shall not provide for the employment of the employee in a position that involves direct responsibility for or that provides an opportunity for contact with residents in a facility, but the Board may provide for the employment of the employee in another substantially equivalent position.

(3*b*) In subsection 3*a*, Interpretation

(*a*) "facility" means,

(i) a children's mental health centre under *The Children's Mental Health Services Act, 1978*, 1978, c. . . .

(ii) a hospital under *The Children's Mental Hospitals Act*, R.S.O. 1970, c. 69

1974, c. 2

(iii) a facility under *The Developmental Services Act, 1974*,

1974, c. 109

(iv) The Ontario School for the Deaf, The Ontario School for the Blind or a school for the deaf or a school for the blind continued or established under section 12 of *The Education Act, 1974*,

R.S.O. 1970, c. 269

(v) a psychiatric facility under *The Mental Health Act*,

1978, c. 37

(vi) a correctional institution under *The Ministry of Correctional Services Act, 1978*,

R.S.O. 1970, c. 369

(vii) an observation and detention home under *The Provincial Courts Act*, or

R.S.O. 1970, c. 467

(viii) a training school under *The Training Schools Act*; and

(*b*) "resident" means a person who is an inmate, patient, pupil or resident in or is detained or cared for in a facility.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Crown Employees Collective Bargaining Amendment Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1978

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend The Crown Employees Collective Bargaining Act, 1972

1st Reading

November 9th, 1978

2nd Reading

November 28th, 1978

3rd Reading

November 30th, 1978

THE HON. G. MCCAGUE
Chairman of Management Board
of Cabinet

1978

BILL 179 1st rdg. 1st Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Ministry of Natural Resources Act, 1972

THE HON. J. A. C. AULD
Minister of Natural Resources and Minister of Energy

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 179 1978

An Act to amend The Ministry of Natural Resources Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Ministry of Natural Resources Act, 1972*, being chapter 4, is repealed and the following substituted therefor: s. 6, re-enacted

6.—(1) The Minister may authorize the Deputy Minister or any other officer or employee in the Ministry to exercise any power or perform any duty that is granted to or vested in the Minister under this or any other Act. Delegation of powers and duties

(2) The Minister may limit an authorization made under subsection 1 in such manner as he considers advisable. Limitations

(3) Section 5 of *The Executive Council Act* does not apply to a deed or contract that is executed under an authorization made under subsection 1. Application of R.S.O. 1970, c. 153, s. 5

6*a*. The Minister may enter into a contract in respect of any matter that is under his administration under this or any other Act. Contracts

6*b*.—(1) The Minister may authorize the use of a facsimile of his signature and the Deputy Minister may authorize the use of a facsimile of his signature on any document except an affidavit or a statutory declaration. Facsimile signatures

(2) A facsimile of the signature of the Minister or the Deputy Minister affixed to a document under an authorization made under subsection 1 shall be deemed to be the signature of the Minister or the Deputy Minister, as the case requires. Idem

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Ministry of Natural Resources Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ministry of Natural Resources
Act, 1972

1st Reading

November 21st, 1978

2nd Reading

December 4th, 1978

3rd Reading

December 4th, 1978

THE HON. J. A. C. AULD
Minister of Natural Resources and
Minister of Energy

1978

BILL 183 Private Mem. Leg. Sitting

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Planning Act

THE HON. C. BENNETT
Minister of Housing

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 183 1978

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

. Section 19 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: s. 19, amended

(2*a*) Notwithstanding subsections 1 and 2, the council of a municipality, including a metropolitan, regional or district municipality, may take into consideration the undertaking of a public work that does not conform with an official plan that is in effect, and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan. Preliminary steps that may be taken where proposed public work would not conform with official plan

.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3, 1973, chapter 168, section 6, 1974, chapter 53, section 4 and 1976, chapter 38, section 2, is further amended by adding thereto the following subsections: s. 29, amended

(4*b*) Where a parcel of land is conveyed by way of a deed or transfer with a consent given under this section, subsections 2 and 4 do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land unless the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent, stipulates either that subsection 2 or subsection 4 shall apply to any such subsequent conveyance or transaction. Exception to application of s. 29 (2, 4)

(4*c*) Where a committee of adjustment, a land division committee or the Minister stipulates in accordance with subsection 4*b*, Idem

(*a*) in the case of the committee of adjustment or th land division committee, the certificate provided fo in subsection 20 of section 42; and

(*b*) in the case of the Minister, the consent given by th Minister,

shall contain a reference to the stipulation, and if not s contained the consent shall be conclusively deemed to hav been granted without the stipulation.

s. 29, amended

(2) The said section 29 is further amended by adding theret the following subsection:

Effect of contravention of s. 29, etc., before plan registered, etc.

R.S.O. 1970, c. 77

(4*d*) Where land is within a registered plan of sub division or within a registered description under *The Co dominium Act* or where land is conveyed with a conser given under this section or a predecessor thereof, an contravention of this section or a predecessor thereof o of a by-law passed under a predecessor of this section o of an order made under clause *b* of subsection 1 of sectio 27, as it existed on the 25th day of June, 1970, of *Th Planning Act*, being chapter 296 of the Revised Statutes o Ontario, 1960, or a predecessor thereof, that occurred pric to the registration of the plan of subdivision or descriptic or prior to the conveyance, as the case may be, does not an shall be deemed never to have had the effect of preventir the conveyance or creation of any interest in the lan provided this subsection does not affect the rights acquire by any person from a judgment or order of any court give or made on or before the day on which this section com into force.

s. 29, amended

(3) The said section 29 is further amended by adding there the following subsection:

Release of interest by joint tenant or tenant in common

(5*f*) Where a joint tenant or tenant in common of lar releases or conveys his interest in such land to one or mo other joint tenants or tenants in common of the same lar while holding the fee in any abutting land, either by hir self or together with any other person, he shall be deeme for the purposes of subsections 2 and 4, to convey su land by way of deed or transfer and to retain the fee in t abutting land.

s. 29 (9, 11), re-enacted

(4) Subsections 9 and 11 of the said section 29 are repeal and the following substituted therefor:

(9) A by-law passed under subsection 3 is not effective until the requirements of subsection 10 have been complied with. When by-law effective

. . . . .

(11) No notice or hearing is required prior to the passing of a by-law under subsection 3, but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person. Notice

(11*a*) The council shall hear in person or by his agent any person to whom a notice was sent under subsection 11, who within fifteen days of the mailing of the notice to him gives notice to the clerk of the municipality that he desires to make representations respecting the amendment or repeal of the by-law. Hearing by council

3. Clause *b* of subsection 5*a* of section 32 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 118, section 4, is repealed and the following substituted therefor: s. 32 (5*a*) (*b*), re-enacted

(*b*) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production.

4.—(1) Subsection 9 of section 33 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 118, section 5, is repealed and the following substituted therefor: s. 33 (9), re-enacted

(9) Land conveyed to a municipality under subsection 5 shall be used for park or other public recreational purposes but may be sold at any time. Use and sale of land

(2) Subsection 11 of the said section 33, as amended by the Statutes of Ontario, 1972, chapter 118, section 5, is repealed and the following substituted therefor: s. 33 (11), re-enacted

(11) All moneys received by the municipality under subsections 8 and 10 and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition Special account

of lands to be used for park or other public recreatio purposes, for the development or improvement of la used or to be used for park or other public recreatio purposes, including the erection or repair of buildings other structures thereon or for the maintenance of lan buildings or structures used for park or other public re ational purposes, including the acquisition of machinery a equipment required for such maintenance, and the mon in such special account may be invested in such securi as a trustee may invest in under *The Trustee Act*, and earnings derived from the investment of such moneys sl be paid into such special account, and the auditor in annual report shall report on the activities and position the account.

R.S.O. 1970, c. 470

s. 33*a*, enacted

5. The said Act is amended by adding thereto the follow section:

Proceedings under R.S.O. 1970, c. 338; Minister to be notified

33*a*.—(1) Where an action or proceeding for the partit of land is brought under *The Partition Act*, notice shall given to the Minister.

Form and service of notice

(2) The notice shall include a copy of the application the partition of land and shall state the day on which matter is to be heard, and, subject to the rules of co shall be served not less than ten days before the day of hearing.

Right of Minister to be heard

(3) The Minister is entitled as of right to be heard eit in person or by counsel notwithstanding that the Crow not a party to the action or proceeding.

Right of Minister to appeal

(4) Where the Minister appears in person or by cour the Minister shall be deemed to be a party to the actior proceeding for the purpose of an appeal and has the sa rights with respect to an appeal as any other party to action or proceeding.

s. 35 (26), re-enacted

6.—(1) Subsection 26 of section 35 of the said Act is repea and the following substituted therefor:

Where notice of objection filed

(26) Where an official plan is in effect in a municipa and notice is given in the manner and form and to persons prescribed by the regulations and a notice objection has been filed with the clerk of the municipa within the time prescribed by the regulations, the by- does not come into effect without the approval of the Mu pal Board.

s. 35 (28), re-enacted

(2) Subsection 28 of the said section 35 is repealed and following substituted therefor:

(28) Any by-law approved by the Municipal Board under this section and any by-law that comes into effect under subsection 25 shall be conclusively deemed to be in conformity with the official plan then in effect in the municipality.

Approved by-law deemed to conform with official plan

7. Subsection 20 of section 42 of the said Act is amended by adding at the end thereof "and that, notwithstanding any other provision of this Act, the committee had jurisdiction to grant such consent and after the certificate has been given no action may be maintained to question the validity of such consent".

s. 42 (20), amended

8. Section 43 of the said Act is repealed and the following substituted therefor:

s. 43, re-enacted

43. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan and any contravention of section 19 may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality, and any contravention of an order of the Minister made under section 32 may be restrained by action at the instance of the Minister or the planning board of the planning area in which the contravention took place or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality.

Right to restrain

9. Subsection 2 of section 44*b* of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 38, section 4, is repealed and the following substituted therefor:

s. 44*b* (2), re-enacted

(2) The Minister on the request of a council may by order delegate to the council any of the Minister's authority under this Act, under section 24 of *The Condominium Act*, under subsection 8 of section 443 and subsection 2 of section 450 of *The Municipal Act*, under subsection 4 of section 86 of *The Registry Act* and under section 163 of *The Land Titles Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Delegation of Minister's powers

R.S.O. 1970, cc. 77, 284, 409, 234

Commencement

10.—(1) This Act, except subsections 1 and 3 of section 2 and section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Section 7 shall be deemed to have come into force on the 27th day of June, 1970.

Idem

(3) Subsection 3 of section 2 shall be deemed to have come into force on the 23rd day of November, 1978.

Idem

(4) Subsection 1 of section 2 comes into force on the 31st day of March, 1979.

Short title

11. The short title of this Act is *The Planning Amendment Act 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Planning Act

1st Reading

November 23rd, 1978

2nd Reading

December 5th, 1978

3rd Reading

December 12th, 1978

THE HON. C. BENNETT
Minister of Housing

1978

BILL 184 1st Rdg. 2nd Rdg. 3rd Rdg.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Ontario Land Corporation Act, 1974

THE HON. C. BENNETT
Minister of Housing

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

LL 184 1978

An Act to amend The Ontario Land Corporation Act, 1974

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as ows:

1. Section 6, exclusive of the form of oath or affirmation, of *The Ontario Land Corporation Act, 1974*, being chapter 134, is repealed and the following substituted therefor: s. 6, amended

6. Before entering upon his duties, every director, officer or employee of the Corporation shall take, and every agent and adviser whose services are engaged by the Corporation may be required by the Corporation to take, before a commissioner of oaths, the following oath or affirmation: Oath of office and secrecy

. . . . .

2.—(1) Subsection 1 of section 13 of the said Act is repealed and the following substituted therefor: s. 13 (1), re-enacted

(1) The objects of the Corporation are to assist in the promotion of community and industrial development of land in Ontario by the acquisition of land, development of land and the disposal of land to persons in the private and government sectors for residential, community, industrial, governmental and commercial uses and, without limiting the generality thereof, in the carrying out of those objects the Corporation has the power to, Objects and powers of the Corporation

(*a*) alone or in conjunction with any person or governmental authority, acquire, develop, redevelop, improve, alter, maintain, lease, license, sell, exchange, mortgage or otherwise deal with, as the Corporation considers advisable, any land in Ontario or any interest therein, including all or any buildings or structures that are then or may thereafter be erected, altered, or improved thereon, with power to enter into any agreement relating thereto;

(*b*) lend and invest money on security of real est and to sell, mortgage, or otherwise dispose mortgages;

(*c*) subscribe for, purchase, invest in, sell, assign otherwise deal in shares, stocks, bonds, debentur notes and other securities of any government municipal corporation, or of any corporation wh objects include the buying and selling of land; a

(*d*) do anything that, in the opinion of the Boa can be done advantageously by the Corporation connection with or ancillary to the carrying out the objects of the Corporation set out in clau *a*, *b* and *c*.

s. 13, amended

(2) The said section 13 is amended by adding thereto following subsection:

Transfer of assets to Corporation

(3) Such right, title and interest in property, both r and personal, that is presently or is hereafter vested in owned by the Province of Ontario or any board, commiss or agency thereof, as deemed necessary or advisable by Lieutenant Governor in Council to carry out the objects the Corporation, from time to time, shall be transferred and vested in the Corporation, together with all obligatio liabilities and responsibilities relating thereto.

Commencement

3. This Act comes into force on the day it receives Royal Asse

Short title

4. The short title of this Act is *The Ontario Land Corporat Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 19 7

CLERK
LEGISLATIVE ASSEMBL

An Act to amend
The Ontario Land Corporation
Act, 1974

1st Reading

November 23rd, 1978

2nd Reading

December 5th, 1978

3rd Reading

December 12th, 1978

THE HON. C. BENNETT
Minister of Housing

1978

BILL 186 (Outline Leg. Leg. Sol. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Coroners Act, 1972

THE HON. R. MCMURTRY
Attorney General and Solicitor General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 186 1978

An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Coroners Act, 1972*, being chapter 98, is amended by adding thereto the following section: s. 23*a*, enacted

23*a*.—(1) Any person performing a *post mortem* examination of a body under the warrant of a coroner may extract the pituitary gland and cause it to be delivered to any person or agency designated by the Chief Coroner for use in the treatment of persons having a growth hormone deficiency. Extraction and use of pituitary gland

(2) This section applies where the coroner or person performing the *post mortem* examination has no reason to believe that the deceased has expressed an objection to his body being so dealt with after his death or that the surviving spouse, parent, child, brother, sister or personal representative objects to the body being so dealt with, and notwithstanding that no consent otherwise required by law is given. Objections

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Coroners Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 15 19 78

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Coroners Act, 1972

1st Reading

November 27th, 1978

2nd Reading

December 5th, 1978

3rd Reading

December 8th, 1978

THE HON. R. MCMURTRY
Attorney General and Solicitor General

1978

BILL 187 Pauline Leg. Leg. S. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Corporations Information Act, 1976

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL 187 1978

An Act to amend The Corporations Information Act, 1976

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as lows:

1. Section 1 of *The Corporations Information Act, 1976*, being chapter 66, is amended by adding thereto the following clause: s. 1, amended

(*h*) "resident Canadian" means an individual who is a Canadian citizen or has been lawfully admitted to Canada for permanent residence and who is ordinarily resident in Canada.

2. Subsection 3 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (3), re-enacted

(3) A name or style registered under this section shall not have the word "Limited", "Incorporated" or "Corporation" or its corresponding abbreviation "Ltd.", "Inc." or "Corp." or the corresponding version in another language, as the last word thereof. Form of name

3.—(1) Clause *d* of subsection 1 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (1) (*d*), re-enacted

(*d*) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director and, where the corporation is a corporation with share capital, whether or not each director is a resident Canadian.

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3), re-enacted

(3) Every corporation to which subsection 1 applies shall file with the Minister a notice of change for every change Notice of change

under clauses *a* to *f* of subsection 1 or clauses *a* to *c* of sub section 1 or 2 of section 4 whichever is applicable, withi ten days after the change or changes took place and the notic shall repeat the information required under the said clause and shall specify any changes, together with the dates there that have taken place, but the retirement of a director an his subsequent re-election at a meeting of shareholders fo the next ensuing term of office shall be deemed not to be change.

Exemption

(3*a*) Where a corporation incorporated under the laws o Ontario changes only its name it is exempt from filing th information required under subsection 3.

s. 5, re-enacted

4. Section 5 of the said Act is repealed and the following sub stituted therefor:

Further notice on request

5. The Minister may, at any time by request in writin sent by prepaid mail or otherwise, require any corporatio to file within thirty days after the date of the request a noti upon any or all of the matters contained in section 3 or 4.

s. 9, amended

5. Section 9 of the said Act is amended by striking out "wit the approval of the Lieutenant Governor in Council" in th first and second lines.

s. 18 (*b*), re-enacted

6. Clause *b* of section 18 of the said Act is repealed and th following substituted therefor:

(*b*) providing for the registration of names and styl under section 2, the renewal thereof and for th exemption, subject to conditions, of any corporatio or corporations from the requirements of subsecti 4 of section 2;

(*ba*) prescribing conditions for purposes of clause *b*.

Commencement

7. This Act comes into force on the day it receives Royal Assen

Short title

8. The short title of this Act is *The Corporations Informati Amendment Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lew

CLERK
LEGISLATIVE ASSEMBLY

The Corporations Information Act, 1976

1st Reading

November 27th, 1978

2nd Reading

December 5th, 1978

3rd Reading

December 12th, 1978

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

1978

BILL 188 1 Cancl. in Leg. Leg. S. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 188 1978

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1978, chapter 53, section 1, is further amended by striking out "and is repealed on the 28th day of February, 1979" in the amendment of 1978 and inserting in lieu thereof "and is repealed on the 31st day of March, 1979". s. 20 (1), amended

(2) Subsection 2 of the said section 20, as enacted by the Statutes of Ontario, 1977, chapter 3, section 11 and amended by 1978, chapter 53, section 1, is repealed and the following substituted therefor: s. 20 (2), re-enacted

(2) Notwithstanding subsection 1, Idem

(*a*) where there has been an increase in rent for residential premises charged to take effect after the 31st day of March, 1978, and on or before the 31st day of March, 1979, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and

(*b*) this Act continues in force for the purpose of,

(i) hearing and making orders in respect of applications filed on or before the 31st day of March, 1979, and appeals from such orders, relating to a rental period commencing on or before that date, and

(ii) enforcing orders made under this Act.

Commencement

2. This Act comes into force on the day it receives Royal Asse

Short title

3. The short title of this Act is *The Residential Premises R Review Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1979

Rodney Lew

CLERK
LEGISLATIVE ASSEMBL

An Act to amend The Residential Premises Rent Review Act, 1975
(2nd Session)

1st Reading

November 28th, 1978

2nd Reading

November 30th, 1978

3rd Reading

November 30th, 1978

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

1978

BILL 191 [illegible]

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Executive Council Act

THE HON. R. WELCH
Provincial Secretary for Justice

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ELL 191 1978

An Act to amend The Executive Council Act

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as ows:

1.—(1) Subsection 1 of section 3 of *The Executive Council Act*, being chapter 153 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 150, section 1, is repealed and the following substituted therefor: s. 3 (1), re-enacted

(1) The annual salary of every minister with portfolio is $18,720. Salaries

(2) Subsections 2 and 3 of the said section 3, as amended by the Statutes of Ontario, 1973, chapter 150, section 1, are repealed and the following substituted therefor: s. 3 (2, 3), re-enacted

(2) The member of the Executive Council holding the recognized position of First Minister shall receive, in addition, $7,280 per annum. Additional salary for First Minister

(3) The annual salary of every minister without portfolio is $7,800. Salary of minister without portfolio

(3) Subsection 3*a* of the said section 3, as enacted by the Statutes of Ontario, 1972, chapter 1, section 3, is repealed and the following substituted therefor: s. 3 (3*a*), re-enacted

(3*a*) The annual salary of every Parliamentary Assistant is $5,200. Salary of Parliamentary Assistant

2. Subsection 1 of section 3*a* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 150, section 2, is repealed and the following substituted therefor: s. 3*a* (1), re-enacted

Cost of accommodation in Toronto

(1) Every minister of the Crown with portfolio wh principal residence is outside The Municipality of Met politan Toronto shall be paid the actual cost of his acco modation within The Municipality of Metropolitan Toro not exceeding $6,240 in any year.

Commencement

3. This Act shall be deemed to have come into force on the day of October, 1978.

Short title

4. The short title of this Act is *The Executive Council Ame ment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 19 78

Roderick Lew

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Executive Council Act

1st Reading

December 1st, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 12th, 1978

THE HON. R. WELCH
Provincial Secretary for Justice

1978

BILL 192

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Legislative Assembly Act

THE HON. R. WELCH
Provincial Secretary for Justice

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 192 1978

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1977, chapter 26, section 1 and amended by 1977, chapter 69, section 1, is repealed and the following substituted therefor: s. 60 (1), re-enacted

(1) An indemnity at the rate of $20,012 per annum shall be paid to every member of the Assembly. Members' indemnities

(2) Subsection 2 of the said section 60, as amended by the Statutes of Ontario, 1973, chapter 151, section 1, is repealed and the following substituted therefor: s. 60 (2), re-enacted

(2) An allowance for expenses at the rate of $7,800 per annum shall be paid to every member of the Assembly. Members' allowances,

(3) Subsection 5 of the said section 60, as re-enacted by the Statutes of Ontario, 1977, chapter 26, section 1 and amended by 1977, chapter 69, section 1, is repealed and the following substituted therefor: s. 60 (5), re-enacted

(5) Notwithstanding subsection 4, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity not exceeding one-twelfth of his annual indemnity per month and any part of his allowance for expenses not exceeding one-twelfth of his annual allowance for expenses per month. Advances

2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 2, is repealed and the following substituted therefor: s. 61, re-enacted

Allowance for expenses of representation

61. In addition to his indemnity and allowance fo expenses as a member there shall be paid an allowance fo the expenses of representation,

(*a*) to the Premier, at the rate of $4,680 per annum;

(*b*) to the Leader of the Opposition, at the rate c $3,120 per annum;

(*c*) to the Speaker, at the rate of $2,080 per annum and

(*d*) to the leader of a party, except the Premier an the Leader of the Opposition, that has a recognize membership of twelve or more persons in th Assembly, at the rate of $1,560 per annum.

s. 62 (1), re-enacted

3. Subsection 1 of section 62 of the said Act, as re-enacted b the Statutes of Ontario, 1973, chapter 151, section 3, i repealed and the following substituted therefor:

Indemnity; of Speaker, Leader of Opposition and leader of a minority party

(1) In addition to his indemnity as a member, there sha be paid,

(*a*) to the Speaker an indemnity at the rate of $9,36 per annum;

(*b*) to the Leader of the Opposition an indemnity a the rate of $18,720 per annum; and

(*c*) to the leader of a party, except the Premier an the Leader of the Opposition, that has a recognize membership of twelve or more persons in th Assembly an indemnity at the rate of $5,200 pe annum.

s. 62*a*, re-enacted

4. Section 62*a* of the said Act, as enacted by the Statutes c Ontario, 1973, chapter 151, section 4, is repealed and th following substituted therefor:

Cost of accommodation in Toronto

62*a*.—(1) Where the principal residence of the Leader c the Opposition is outside The Municipality of Metropolita Toronto, he shall be paid the actual cost of his accom modation within The Municipality of Metropolitan Toront not exceeding $6,240 in any year.

Idem

(2) Where the principal residence of the leader of a party except the Premier and the Leader of the Opposition, tha has a recognized membership of twelve or more persons i the Assembly is outside The Municipality of Metropolita

Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding $6,240 in any year.

5. Subsection 1 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 5, is repealed and the following substituted therefor: s. 63 (1), re-enacted

(1) In addition to his indemnity as a member, an indemnity shall be paid, Chairman and Deputy Chairman of Whole House and Chairmen of standing committees, indemnity

(*a*) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of $5,200 per annum;

(*b*) to the Deputy Chairman of the Committees of the Whole House at the rate of $3,120 per annum; and

(*c*) to the chairman of each standing committee at the rate of $2,080 per annum.

6. Subsection 1 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 6, is repealed and the following substituted therefor: s. 64 (1), re-enacted

(1) In addition to his indemnity as a member, an indemnity shall be paid, Whips, indemnities

(*a*) to the Chief Government Whip, at the rate of $5,200 per annum;

(*b*) to the Deputy Government Whip, at the rate of $3,120 per annum;

(*c*) to each of not more than three Government Whips, at the rate of $2,080 per annum;

(*d*) to the Chief Opposition Whip, at the rate of $3,120 per annum;

(*e*) to each of not more than two Opposition Whips, at the rate of $2,080 per annum; and

(*f*) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of $2,600 per annum, and

(ii) to the Party Whip of the party, at the ra of $2,080 per annum.

s. 65 (5), re-enacted

7. Subsection 5 of section 65 of the said Act, as re-enacted the Statutes of Ontario, 1976, chapter 60, section 1, is repea and the following substituted therefor:

air travel and accommodation costs within certain electoral districts or under special circumstances

(5) The member of the Assembly representing the electo district of Cochrane North, Kenora, Rainy River or La Nipigon shall be paid the actual cost, not exceeding $2,6 in any year, of transportation by airplane within the electo district and of accommodation within the electoral distr or an electoral district contiguous thereto while on busin as a member of the Assembly and any other member of Assembly may be paid such of his actual costs of acco modation within the electoral district represented by h expended due to unusual or special circumstances wh on business as a member of the Assembly as may be approv by the Board of Internal Economy, not exceeding $2,600 any year.

s. 66 (1), amended

8. Subsection 1 of section 66 of the said Act, as amended the Statutes of Ontario, 1977, chapter 24, section 3, is furt amended by striking out the first, second, third and fou lines and inserting in lieu thereof the following:

(1) There shall be paid to each member of a committee the Assembly other than the chairman thereof an allowa for expenses of $52, and to the chairman thereof an all ance for expenses of $62, and.

s. 67, re-enacted

9. Section 67 of the said Act, as enacted by the Statutes Ontario, 1973, chapter 151, section 8, is repealed and following substituted therefor:

Severance allowance

67.—(1) A person who is a member of the Assem immediately before the Assembly is dissolved or is en by the passage of time and who does not become a mem of the next following Assembly shall be paid a severa allowance equal to one-quarter of his annual indemnity a member at the rate in force immediately before he ceased be a member.

Severance allowance on resignation

(2) A member of the Assembly who resigns his seat s be paid a severance allowance equal to one-quarter of annual indemnity as a member at the rate in force on day he ceases to be a member.

Payment to personal representative on death of member

(3) Where a person who is a member of the Assem dies, whether before the Assembly is dissolved or is en

by the passage of time or after dissolution or ending of the Assembly but before the polling day that follows the dissolution or ending, an amount equal to one-quarter of his annual indemnity as a member at the rate in force on the day of his death or immediately before the dissolution or ending, as the case requires, shall be paid to his personal representative.

10. Section 68 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 116, section 2, is repealed and the following substituted therefor: s. 68, re-enacted

68. In addition to his indemnity as a member, an indemnity shall be paid, House Leaders' indemnities

(*a*) to the Opposition House Leader at the rate of $5,200 per annum; and

(*b*) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of $2,600 per annum.

11. The said Act is amended by adding thereto the following section: s. 70*a*, enacted

70*a*.—(1) In this section, "Commission" means the Commission on Election Contributions and Expenses established under *The Election Finances Reform Act, 1975*. Interpretation 1975, c. 12

(2) The Commission each year shall review and make such recommendations as it considers proper in respect of the indemnities and allowances of members of the Assembly under this Act. Review of indemnities and allowances

(3) The Commission shall report its recommendations to the Speaker and the Speaker shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. Annual report

12.—(1) This Act, except sections 9 and 11, shall be deemed to have come into force on the 1st day of October, 1978. Commencement

(2) Section 9 shall be deemed to have come into force on the 21st day of February, 1978. Idem

(3) Section 11 comes into force on the 1st day of April, 1979. Idem

13. The short title of this Act is *The Legislative Assembly Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

1st Reading

December 1st, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 12th, 1978

THE HON. R. WELCH
Provincial Secretary for Justice

BILL 193 1st rd. in Leg. Leg. Assembly

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise The Ontario School Trustees' Council Act

THE HON. B. STEPHENSON
Minister of Education and Minister of Colleges and Universities

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 193 **1978**

An Act to revise The Ontario School Trustees' Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Council" means the Ontario School Trustees' Council;

(*b*) "member association" means an association that is a member of the Council;

(*c*) "school board" means a board of education, public school board, secondary school board, Roman Catholic separate school board, or Protestant separate school board.

2.—(1) The Ontario School Trustees' Council, a corporation established under *The Ontario School Trustees' Council Act, 1953*, is continued. Council continued 1953, c. 77

(2) The Council may provide by by-law for the admission of associations of school boards and associations of school trustees as members of the Council. Member associations

(3) Each member association may appoint persons to represent it on the Council in such manner and numbers as are provided for in the by-laws of the Council, and the number of councillors shall be the same for each member association. Members of Council

(4) The persons representing member associations on the Council who are in office immediately before this Act comes into force shall continue in office as councillors until their successors are appointed in accordance with this Act and the by-laws of the Council. Continuation of membership

Objects

3.—(1) The objects of the Council are,

(*a*) to promote and advance the cause of education;

(*b*) to provide a medium of communicating to the Ministry of Education and to The Ontario Teachers' Federation the considered views of the member associations on educational and administrative matters within the jurisdiction of school trustees on all matters of mutual concern to the member associations;

(*c*) to work co-operatively for the mutual benefit of all member associations, to consider matters relating to education and school administration which are of common interest to the member associations, to encourage better understanding between the trustees and the public, and to work for continued improvement in the educational system.

Objection to dealing with certain matters

(2) Where, at a meeting of the councillors, a councillor objects to the Council's dealing with a matter on the grounds that to do so would be detrimental to the best interests of the member association that he represents, the Council may discuss the matter but shall not reach a decision or make a recommendation or take other action on the matter without the consent of the member association.

Executive Committee of the Council

4.—(1) There shall be an Executive Committee composed of persons elected by the councillors from among themselves in such numbers and manner as is provided in the by-laws.

Representative membership

(2) The membership of the Executive Committee shall contain equal representation from the councillors appointed by each member association.

Duties and powers

(3) The Executive Committee is responsible for carrying on the general business of the Council and may,

(*a*) acquire and hold in the name of the Council such real and personal property as may be necessary for the purposes of the Council and may alienate, mortgage, lease or otherwise dispose of such property as occasion may require;

(*b*) invest the funds of the Council in any securities in which a trustee is authorized to invest money under *The Trustee Act*;

R.S.O. 1970, c. 470

(*c*) make such grants as it may deem advisable to organizations having the same or like objects as the Council.

5. The Council may from time to time pass such by-laws as are considered necessary for conducting its affairs and carrying out its objects. By-laws

6. *The Ontario School Trustees' Council Act*, being chapter 329 of the Revised Statutes of Ontario, 1970 and *The Ontario School Trustees' Council Amendment Act, 1974*, being chapter 65, are repealed. Repeals

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. The short title of this Act is *The Ontario School Trustees' Council Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revise
The Ontario School Trustees'
Council Act

1st Reading

December 1st, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 12th, 1978

THE HON. B. STEPHENSON
Minister of Education and Minister of
Colleges and Universities

1978

BILL 194 [illegible]

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend and repeal certain Acts administered by the Ministry of Agriculture and Food

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 194 1978

An Act to amend and repeal certain Acts administered by the Ministry of Agriculture and Food

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Agriculture and Food Act*, being chapter 109 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: R.S.O. 1970, c. 109, amended

9.—(1) A board to be known as the "Agricultural Licensing and Registration Review Board" is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council. Board established

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and one or more of the remaining members as vice-chairman. Chairman and vice-chairman

(3) Where there is more than one vice-chairman, the Lieutenant Governor in Council shall designate one of the vice-chairmen as alternate chairman. Alternate chairman

(4) The chairman, or in the case of his absence or inability to act, the alternate chairman, shall from time to time assign the members of the Board to divisions thereof and may change any such assignment at any time. Assignment to divisions of Board

(5) Where a member of the Board resigns or his term of office has expired, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matters in respect of which there was any proceeding in which he participated as a member of the Board. Member may complete duties, etc.

(6) The chairman or a vice-chairman and two members constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board. Quorum

Board may sit in divisions

(7) The Board may sit in two or more divisions simu taneously so long as a quorum of the Board is present in eac division.

Decisions

(8) The decision of the majority of the members of tl Board present and constituting a quorum is the decision the Board, but, if there is no majority, the decision of tl chairman or vice-chairman presiding governs.

Practice and procedure 1971, c. 47

(9) The Board may, subject to *The Statutory Powers Pr cedure Act, 1971*, and to the provisions of the Act und which a hearing is held, determine its own practice ar procedure.

Remuneration

(10) Members of the Board who are not officers in tl public service of Ontario shall receive such remuneration ar expenses as the Lieutenant Governor in Council from time time determines.

Tribunal established

10.—(1) A board to be known as the "Farm Produc Appeal Tribunal" is hereby established and shall consi of not fewer than five persons appointed by the Lieutena Governor in Council.

Chairman and vice-chairman

(2) The Lieutenant Governor in Council may appoint or of the members of the Tribunal as chairman and one or mo of the remaining members as vice-chairman.

Alternate chairman

(3) Where there is more than one vice-chairman, tl Lieutenant Governor in Council shall designate one of tl vice-chairmen as alternate chairman.

Assignment to divisions of Tribunal

(4) The chairman, or in the case of his absence or inabili to act, the alternate chairman, shall from time to time assi the members of the Tribunal to divisions thereof and m change any such assignment at any time.

Member may complete duties, etc.

(5) Where a member of the Tribunal resigns or his term office has expired, he may carry out and complete any dut or respsonsibilities and exercise any powers that he wou have had if he had not ceased to be a member, in connecti with any matters in respect of which there was any proce ing in which he participated as a member of the Tribunal.

Quorum

(6) The chairman or vice-chairman and two members co stitute a quorum and are sufficient for the exercise of all of t jurisdiction and powers of the Tribunal.

Tribunal may sit in divisions

(7) The Tribunal may sit in two or more divisions sim taneously so long as a quorum of the Tribunal is present each division.

(8) The decision of the majority of the members of the Tribunal present and constituting a quorum is the decision of the Tribunal, but, if there is no majority, the decision of the chairman or vice-chairman presiding governs. Decisions

(9) The Tribunal may, subject to this Act and *The Statutory Powers Procedure Act, 1971*, determine its own practice and procedure. Practice and procedure 1971, c. 47

(10) Members of the Tribunal who are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. Remuneration

11. In sections 12, 13 and 14, Interpretation

(*a*) "Board" means The Farm Products Marketing Board;

(*b*) "Commission" means The Milk Commission of Ontario;

(*c*) "Director" means the Director appointed under *The Milk Act*; R.S.O. 1970, c. 273

(*d*) "local board" means a local board constituted under *The Farm Products Marketing Act*; R.S.O. 1970, c. 162

(*e*) "marketing board" means a marketing board constituted under *The Milk Act*;

(*f*) "Tribunal" means the Farm Products Appeal Tribunal.

12.—(1) Subject to subsection 4, where a person considers himself aggrieved by any order, direction or decision of the Board, the Commission or the Director, made under *The Farm Products Marketing Act* or *The Milk Act*, as the case may be, he may appeal to the Tribunal by serving upon the Tribunal written notice of the appeal. Appeal to Tribunal

(2) Subject to subsections 4 and 5, where any person considers himself aggrieved by any order, direction, decision or regulation made under *The Farm Products Marketing Act* by a local board or under *The Milk Act* by a marketing board, he may appeal to the Tribunal by serving upon the Tribunal written notice of the appeal. Idem

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal. Contents of notice

Tribunal may refuse to hear appeal

(4) Notwithstanding anything in this section, the Tribuna in respect of an appeal commenced after this section com into force, may refuse to hear the appeal or, after a hearin has commenced, refuse to continue the hearing or make decision if it relates to any order, direction, decision regulation of which the appellant has had knowledge for mo than two years before the notice is served under subse tion 1 or 2 or, if in its opinion,

(*a*) the subject-matter of the appeal is trivial;

(*b*) the appeal is frivolous or vexatious or is not made good faith; or

(*c*) the appellant has not a sufficient personal intere in the subject-matter of the appeal.

Application for reconsideration of order, etc.

(5) No appeal may be taken from any order, directio decision or regulation of a local board or a marketing boa unless,

(*a*) the appellant has first applied to the local board marketing board for reconsideration thereof und section 13 and the local board or marketing boa has refused to grant, in whole or in part, the reli requested by the appellant; or

(*b*) the appellant and the local board or marketi board have waived their respective rights und section 13 in writing.

Persons entitled to notice

(6) Upon receipt of a notice under subsection 1 or 2, t Tribunal shall forthwith notify the Board, the Commissio the local board, the marketing board or the Director whe any such body or the Director has an interest in the subjec matter of the appeal and such body or the Director, as the ca may be, shall thereupon forthwith provide the Tribunal wi all relevant by-laws, documents or other materials, of a kind whatsoever, in its or his possession.

Notice of date, etc., of hearing

(7) In any appeal under subsection 1 or 2, the Tribu shall, within seven days after the notice referred to in su section 1 or 2 is received, serve notice upon the pers making the appeal and upon any body entitled to recei notice under subsection 6 or the Director, as the case m be, of the date, time and place at which the appeal will heard.

(8) The Tribunal shall hear and decide any appeal under subsection 1 or 2 within thirty days after the date set for the hearing, but the Tribunal may, at the request of any party to the proceedings, adjourn the hearing from time to time for such period or periods of time as the Tribunal considers just. Hearing of appeal

(9) At any hearing under this section, the person making the appeal and any person entitled to receive notice under subsection 6 are parties to the appeal and *The Statutory Powers Procedure Act, 1971* applies. Parties 1971, c. 47

(10) Upon an appeal to the Tribunal under subsection 1 or 2, the Tribunal may by order direct the Board, the Commission, the local board, the marketing board or the Director, as the case may be, to take such action as it or he is authorized to take under *The Farm Products Marketing Act* or *The Milk Act* and as the Tribunal considers proper, and for this purpose the Tribunal may substitute its opinion for that of the Board, the Commission, the local board, the marketing board or the Director. Powers of Tribunal on appeal R.S.O. 1970, cc. 162, 273

(11) The Tribunal shall, within ten days after the hearing is completed, serve notice of its decision upon all parties to the appeal and upon the Minister. Notice of decision

(12) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith. Objection to proceeding

(13) Where a notice is served under this section, it may be served personally or, Service of notice

(*a*) where the notice is served on the Board, the Commission, the local board, the marketing board, the Tribunal or the Director, by mailing the notice to it or him at its or his usual business address; or

(*b*) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

(14) After the Tribunal has decided an appeal under this section, the Tribunal may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing. Tribunal may reopen hearing

Request for reconsideration of order, etc.

13.—(1) Where any person considers himself aggrieved b an order, direction or decision of the Board, the Commissio a local board, a marketing board, the Tribunal or the Directo he may by written application therefor request it or him t reconsider such order, direction or decision.

Decision not to be varied without hearing

(2) On any application under subsection 1, the bod considering the application or the Director, as the case ma be, shall not vary or rescind its or his decision adversel to the interests of any person without holding a hearing t which such person is a party and may make such decisic after such hearing as it or he considers proper under any la applicable thereto.

Request for reconsideration of regulation

(3) Where any person is affected by any regulation ma by a local board or a marketing board, he may request tl local board or marketing board, as the case may be, reconsider the regulation by serving upon the local board the marketing board written notice of the request.

Idem

(4) Where any person is affected by any regulation ma by the Board or the Commission, he may request the Boa or the Commission to reconsider the regulation by servi upon the Board or the Commission written notice of the reque

Hearing

(5) On receipt of a notice under subsection 3 or 4, tl body considering the request shall hold, or shall afford to t person making the request an opportunity for, a hearing.

1971, c. 47, applies

(6) *The Statutory Powers Procedure Act, 1971* applies to hearing under this section.

Powers of Minister

14.—(1) Within thirty days after receipt by the Minist of a decision of the Tribunal under this Act or within su longer period as may be determined by the Minister with such thirty day period, the Minister may,

(*a*) vary the whole or any part of the decision;

(*b*) substitute for the decision of the Tribunal su decision as he considers appropriate; or

(*c*) by notice to the Tribunal require the Tribunal hold a new hearing of the whole or any part of t matter appealed to the Tribunal and reconsider decision.

Decision is final

(2) Subject to subsection 3, a decision of the Tribunal final after the expiration of the period or periods mention in subsection 1 unless, under subsection 1, the decision

varied or a decision is substituted for the decision of the Tribunal or a new hearing is required.

(3) A decision of the Tribunal that has been varied under clause *a* or that has been substituted for the decision of the Tribunal under clause *b* of subsection 1 is final. Idem

(4) The Minister shall give notice, together with written reasons therefor, of any variation, substitution or requirement of a new hearing under subsection 1 to all parties to the appeal and to the Tribunal. Notice to be given by Minister

2.—(1) Clause *a* of section 1 of *The Agricultural Tile Drainage Installation Act, 1972*, being chapter 38, is repealed and the following substituted therefor: 1972, c. 38, s. 1 (*a*), re-enacted

(*a*) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*. R.S.O. 1970, c. 109

(2) Section 8 of the said Act is repealed. s. 8, repealed

3.—(1) Clause *j* of section 1 of *The Animals for Research Act*, being chapter 22 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: R.S.O. 1970, c. 22, s. 1 (*j*), re-enacted

(*j*) "Review Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 2 of the said Act is repealed. s. 2, repealed

4.—(1) Clause *aa* of section 1 of *The Artificial Insemination of Live Stock Act*, being chapter 30 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 119, section 2, is repealed and the following substituted therefor: R.S.O. 1970, c. 30, s. 1 (*aa*), re-enacted

(*aa*) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 9*d* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 9 and amended by 1973, chapter 119, section 6, is repealed. s. 9*d*, repealed

5.—(1) Clause *e* of subsection 1 of section 1 of *The Commodity Board Members Act, 1976*, being chapter 7, is repealed and the following substituted therefor: 1976, c. 7, s. 1 (1) (*e*), re-enacted

R.S.O. 1970, c. 109

(*e*) "Tribunal" means the Farm Products Appeal Tri bunal established under *The Ministry of Agricultur and Food Act*.

1976, c. 7, amended

(2) The said Act is amended,

(*a*) by striking out "having jurisdiction over tha commodity board" in the third and fourth lines c section 3;

(*b*) by striking out "proper" in the fifth line of sub section 1 of section 4; and

(*c*) by striking out "a" where it occurs the first time i the first line of subsection 2 of section 5 and in serting in lieu thereof "the".

R.S.O. 1970, c. 105, s. 1 (*a*), re-enacted

6.—(1) Clause *a* of section 1 of *The Dead Animal Disposal Ac* being chapter 105 of the Revised Statutes of Ontario 1970, as enacted by the Statutes of Ontario, 1971 chapter 50, section 26, is repealed and the following sub stituted therefor:

(*a*) "Board" means the Agricultural Licensing an Registration Review Board under *The Ministry o Agriculture and Food Act*.

s. 5*e*, repealed

(2) Section 5*e* of the said Act, as enacted by the Statutes o Ontario, 1971, chapter 50, section 26, is repealed.

R.S.O. 1970, c. 138, s. 1 (*ab*), repealed

7.—(1) Clause *ab* of section 1 of *The Edible Oil Products Ac* being chapter 138 of the Revised Statutes of Ontario 1970, as enacted by the Statutes of Ontario, 197 chapter 50, section 34, is repealed.

s. 1, amended

(2) The said section 1, as amended by the Statutes of Ontario 1971, chapter 50, section 34 and 1972, chapter 9, section is further amended by adding thereto the followin clause:

(*g*) "Tribunal" means the Farm Products Appeal Tri bunal established under *The Ministry of Agricultu and Food Act*.

ss. 4*e*, 4*f*, 4*g*, amended

(3) Sections 4*e*, 4*f* and 4*g* of the said Act, as enacted by th Statutes of Ontario, 1971, chapter 50, section 34, a amended by striking out "Commission" wherever it occu and inserting in lieu thereof in each instance "Tribunal

8.—(1) Clauses *b* and *g* of section 1 of *The Farm Products Grades and Sales Act*, being chapter 161 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 6, section 1, are repealed and the following substituted therefor: R.S.O. 1970, c. 161, s. 1 (*b*) (*g*), re-enacted

(*b*) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*; R.S.O. 1970, c. 109

. . . . .

(*g*) "Director" means the Director appointed under this Act.

(2) Section 5 of the said Act is repealed and the following substituted therefor: s. 5, re-enacted

5. The Minister may appoint a Director to administer and enforce this Act and inspectors and graders whose duties are to carry out the provisions of this Act. Minister may appoint Director, etc.

(3) Section 9*h* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 6, section 3, is repealed. s. 9*h*, repealed

9. Section 11 of *The Farm Products Marketing Act*, being chapter 162 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 162, s. 11, repealed

10.—(1) Clause *a* of section 1 of *The Grain Elevator Storage Act*, being chapter 195 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 88, section 1, is repealed and the following substituted therefor: R.S.O. 1970, c. 195, s. 1 (*a*), re-enacted

(*a*) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 8*c* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 88, section 2, is repealed. s. 8*c*, repealed

11.—(1) Clause *a* of section 1 of *The Live Stock and Live Stock Products Act*, being chapter 251 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed and the following substituted therefor: R.S.O. 1970, c. 251, s. 1 (*a*) re-enacted

(*a*) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

s. 2*e*, repealed

(2) Section 2*e* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed.

R.S.O. 1970, c. 253, s. 1 (*a*), re-enacted

12.—(1) Clause *a* of section 1 of *The Live Stock Community Sales Act*, being chapter 253 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 53, is repealed and the following substituted therefor:

R.S.O. 1970, c. 109

(*a*) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

s. 3*e*, repealed

(2) Section 3*e* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 53, is repealed.

1973, c. 80, s. 1 (*a*), re-enacted

13.—(1) Clause *a* of section 1 of *The Live Stock Medicines Act, 1973*, being chapter 80, is repealed and the following substituted therefor:

(*a*) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

s. 9, repealed

(2) Section 9 of the said Act is repealed.

R.S.O. 1970, c. 266, s. 1 (*aa*), re-enacted

14.—(1) Clause *aa* of section 1 of *The Meat Inspection Act (Ontario)*, being chapter 266 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 56, is repealed and the following substituted therefor:

(*aa*) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

s. 3*e*, repealed

(2) Section 3*e* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 56, is repealed.

R.S.O. 1970, c. 273, s. 1, par. 8*a*, re-enacted

15.—(1) Paragraph 8*a* of section 1 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 162, section 1, is repealed and the following substituted therefor:

8*a*. "Director" means the Director appointed under this Act.

s. 12*a*, amended

(2) Section 12*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 162, section 4, is amended by renumbering subsections 1, 2, 3 and 4 as subsections 2, 3,

4 and 5, respectively, and by adding thereto the following subsection:

(1) The Minister may appoint a Director for the purposes of this Act. Minister may appoint Director

(3) Section 26, as amended by the Statutes of Ontario, 1972, chapter 162, section 10, and sections 26*a* and 26*b*, as enacted by the Statutes of Ontario, 1972, chapter 162, section 11, of the said Act, are repealed. ss. 26, 26*a*, 26*b*, repealed

16.—(1) Clause *ab* of section 1 of *The Oleomargarine Act*, being chapter 304 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 60, is repealed. R.S.O. 1970, c. 304, s. 1 (*ab*), repealed

(2) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 60, is further amended by adding thereto the following clause: s. 1, amended

(*f*) "Tribunal" means the Farm Products Appeal Tribunal established under *The Ministry of Agriculture and Food Act*. R.S.O. 1970, c. 109

(3) Sections 6*e*, 6*f* and 6*g* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 60, are amended by striking out "Commission" wherever it occurs and inserting in lieu thereof in each instance "Tribunal". ss. 6*e*, 6*f*, 6*g*, amended

17. *The Ontario Producers, Processors, Distributors and Consumers Food Council Act*, being chapter 328 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 328, repealed

18.—(1) Clause *a* of section 1 of *The Plant Diseases Act*, being chapter 350 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 67, is repealed and the following substituted therefor: R.S.O. 1970, c. 350, s. 1 (*a*), re-enacted

(*a*) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 4*e* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 67, is repealed. s. 4*e*, repealed

19. *The Pregnant Mare Urine Farms Act*, being chapter 359 of the Revised Statutes of Ontario, 1970, section 68 of the Statutes of Ontario, 1971, chapter 50 and the Statutes of Ontario, 1975, chapter 54, are repealed. R.S.O. 1970, c. 359; 1971, c. 50, s. 68; 1975, c. 54, repealed

R.S.O. 1970, c. 368, s. 1 (*a*), re-enacted

20.—(1) Clause *a* of section 1 of *The Provincial Auctioneers Act* being chapter 368 of the Revised Statutes of Ontario 1970, as re-enacted by the Statutes of Ontario, 1971 chapter 50, section 69, is repealed and the following sub stituted therefor:

R.S.O. 1970, c. 109

(*a*) "Board" means the Agricultural Licensing an Registration Review Board established under *Th Ministry of Agriculture and Food Act.*

s. 1*e*, repealed

(2) Section 1*e* of the said Act, as enacted by the Statutes o Ontario, 1971, chapter 50, section 69, is repealed.

1972, c. 59, s. 1 (*a*), re-enacted

21.—(1) Clause *a* of section 1 of *The Riding Horse Establishment Act, 1972*, being chapter 59, is repealed and the followin substituted therefor:

(*a*) "Board" means the Agricultural Licensing an Registration Review Board established under *Th Ministry of Agriculture and Food Act.*

s. 2, repealed

(2) Section 2 of the said Act is repealed.

R.S.O. 1970, c. 429, s. 1 (*b*), repealed

22.—(1) Clause *b* of section 1 of *The Seed Potatoes Act*, bein chapter 429 of the Revised Statutes of Ontario, 1970, i repealed.

s. 3, re-enacted

(2) Section 3 of the said Act is repealed and the followin substituted therefor:

Copy of by-law to be sent to Ministry

3. The clerk shall send a certified copy of a by-law passe under section 2 to the Ministry of Agriculture and Foo within seven days after it is passed.

Transitional

23. Where, on the day this Act comes into force, any matter of kind that may be appealed to the Agricultural Licensing an Registration Review Board or the Farm Products Appea Tribunal is pending before The Farm Products Marketin Board, The Milk Commission of Ontario or any board estab lished under a provision that is repealed by this Act and,

(*a*) no hearing has been commenced, the Agricultura Licensing and Registration Review Board or the Far Products Appeal Tribunal, as the case may be, is seize of the matter and may deal with it as if the matter ha been originally directed to it; or

(*b*) a hearing has been commenced, the body before whic the hearing has been commenced may complete i hearing and may decide the matter as fully and effe

tively for all purposes as if this Act had not been enacted or may, in its discretion, direct that the matter be referred to and commenced anew before the Agricultural Licensing and Registration Review Board or the Farm Products Appeal Tribunal, as the case may be.

24. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

25. The short title of this Act is *The Ministry of Agriculture and Food Statute Law Amendment and Repeal Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend and repeal
certain Acts administered by the
Ministry of Agriculture and Food

1st Reading

December 1st, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 12th, 1978

THE HON. W. NEWMAN
Minister of Agriculture and Food

BILL 195 Reel. in Leg. Leg. Library

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO
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BILL 195 1978

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 284 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed. s. 284, repealed

2. Clause *a* of subsection 2 of section 312 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 12, and amended by 1976, chapter 51, section 9, is further amended by striking out "or" at the end of subclause iv and by adding thereto the following subclause: s. 312 (2) (*a*), amended

(v) term deposits accepted by a credit union as defined in *The Credit Unions and Caisses Populaires Act, 1976*; or 1976, c. 62

. . . . .

3. Section 352 of the said Act is amended by adding thereto the following paragraphs: s. 352, amended

24*a*. For providing for keeping in the custody of the municipality things of historical value or interest donated or loaned to the municipality and for entering into agreements with the donor or lender for the keeping of such things. Things of historical interest

(*a*) Section 216 does not apply to records, books, accounts and documents in the custody of a municipality pursuant to an agreement under this paragraph where the agreement contains provisions respecting the access of the public to such things.

(*b*) Notwithstanding clause *a* or the terms of the agreement, section 216 applies where an agreement under this paragraph is made with a person who at the time of executing the agreement was an

employee or a member of the council of the munic pality.

. . . . .

Temporary closing of highway for recreational purposes, etc.

61. For closing to vehicular traffic on a temporary bas for such period as shall be specified in the by-law any hig way or portion of a highway under the jurisdiction of t council for such social, recreational, community or athle purpose, or combination of such purposes, as may specified in the by-law.

(*a*) Clauses *a* and *b* of paragraph 60 apply wi necessary modifications to every municipality wh the council of the municipality has passed a by-l under this paragraph.

(*b*) A by-law under this paragraph may prohibit t use, except for pedestrian traffic, of the highway portion of the highway so closed during the peri of closure except under the authority of a perr issued under the by-law upon such terms and co ditions, including such fee for the permit, as may set out in the by-law.

s. 354 (1), amended

4.—(1) Subsection 1 of section 354 of the said Act is amend by adding thereto the following paragraph:

Agreements with condominium corporations re roads, sewers and water pipes R.S.O. 1970, c. 77

62*a*. For entering into agreements with a condomini corporation incorporated under *The Condominium Act* for,

i. maintaining and repairing roads on the con minium property,

ii. clearing away and removing snow and ice fr roads on the condominium property, and

iii. maintaining and repairing sewer pipes and wa pipes installed on the condominium property connecting buildings and other structures on property with the sewage or water works of municipality and for maintaining and repair fire hydrants installed on the property,

and the agreement may be upon such terms and conditi including terms as to the payment of fees, as are agr upon.

(*a*) Where a municipality has entrusted the mana ment of,

(i) its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements with condominium corporations for the purposes, in relation to water works, mentioned in subparagraph iii of this paragraph, or

(ii) its sewage works and its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements for the purposes mentioned in subparagraph iii of this paragraph.

(2) Paragraph 97 of subsection 1 of the said section 354, as amended by the Statutes of Ontario, 1976, chapter 69, section 10, is repealed and the following substituted therefor: s. 354 (1), par. 97, re-enacted

97. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property. Highways, boundaries and names

(*a*) A by-law changing the name of a highway has no effect until a copy of it, certified under the hand of the clerk and the seal of the corporation, has been registered in the proper land registry office. Procedures for changing name of highway

(*b*) Before passing a by-law for changing the name of a highway,

(i) notice of the proposed by-law shall be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality, and

(ii) the council shall hear any person who claims that he will be adversely affected by the by-law and who applies to be heard.

(3) Subsection 1 of the said section 354 is further amended by adding thereto the following paragraphs: s. 354 (1), amended

107*a*. For, Permit parking

i. allowing the parking of motor vehicles or any class or classes thereof on designated parts of highways for specified periods and during specified hours pursuant to permits issued,

ii. charging such fee as the council may determine fo the privilege of parking for such periods and durin such times as the by-law provides,

iii. providing for the commencement, expiry and car cellation of permits and the refunding of the fee fo the unexpired portion of the permit period,

iv. prohibiting the parking, standing or stopping o motor vehicles on the designated highways or th designated parts of highways during specified hou except by authority of a permit, and

v. providing for exemptions from parking, standing o stopping prohibitions of any by-law of the corpora tion regulating traffic where a permit is used.

(*a*) A by-law passed under this paragraph tha affects a highway designated as a connec ing link or extension of the King's Highwa under subsection 1 of section 19 of *The Publ Transportation and Highway Improvement A* has no effect until it is approved by th Minister of Transportation and Communica tions.

R.S.O. 1970, c. 201

(*b*) Clause *a* of paragraph 107 applies wit necessary modifications to a by-law passe under this paragraph.

Parking for handicapped persons

107*b*. For exempting, pursuant to permits issued, th owners and drivers of vehicles operated by or carrying physically handicapped person, as defined by the by-la from any provision of a by-law passed by the council und this Act or under any other general or special Act for pr hibiting or regulating the parking, standing or stopping motor vehicles on any highway or part thereof under th jurisdiction of the council.

(*a*) A by-law passed under this paragraph,

(i) may provide for the issuing of permits respect of vehicles that are operated by that carry a physically handicapped perso as defined in the by-law,

(ii) may provide for the manner by which su vehicles shall be identified,

(iii) may regulate or prohibit the parking, standing or stopping of motor vehicles in respect of which a permit has been issued pursuant to a by-law passed under this paragraph and the provisions authorized by this subclause may be different from and in conflict with the provisions of any other by-law of the municipality for prohibiting or regulating the parking, standing or stopping of motor vehicles on a highway or part thereof under the jurisdiction of the council, and

(iv) shall prohibit the improper use or acquisition of a permit or any decal or other identifying marker issued in connection with the permit.

(4) Paragraphs 112 and 113 of subsection 1 of the said section 354 are repealed and the following substituted therefor: s. 354 (1), pars. 112, 113, re-enacted

112. For prohibiting the parking or leaving of motor vehicles, Prohibiting parking on private or municipal property

i. on private property without the consent of the owner or occupant of the property, and

ii. on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board, as the case may be.

(*a*) A by-law passed under this paragraph may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

(*b*) Subsection 13 of section 116 of *The Highway Traffic Act* and clause *a* of paragraph 107 of this section apply, with necessary modifications, to a by-law passed under this paragraph. R.S.O. 1970, c. 202

(*c*) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph, and the owner of a motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner without the owner's consent.

(*d*) Subject to clause *f*, the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under a by-law passed under this paragraph except upon the written complaint of the owner or occupant of the property given to a constable or officer appointed for the carrying out of the provisions of the by-law.

(*e*) Where an owner or occupant of property affected by a by-law passed under this paragraph has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.

R.S.O. 1970, c. 351

(*f*) A special constable appointed under *The Police Act*, in respect of a particular property to enforce a by-law passed under this paragraph shall be deemed to have the written authority of the owner or occupant of the property to enforce the by-law, and such special constable is not required to receive a written complaint before enforcing the by-law.

(*g*) In this paragraph,

(i) "owner" when used in relation to property means,

(A) the registered owner of the property,

(B) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property,

(C) the spouse of a person described in sub-subclause A or B,

(D) where the property is included in a description registered under *The Condominium Act*, the board of directors of the condominium corporation, R.S.O. 1970, c. 77

(E) a person authorized in writing by the property owner as defined in sub-subclause A, B, C or D to act on the owner's behalf for requesting the enforcement of a by-law passed under this paragraph,

(ii) "occupant" means,

(A) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement,

(B) the spouse of a tenant,

(C) a person or a municipality, or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way,

(D) a person authorized in writing by an occupant as defined in sub-subclause A, B or C to act on the occupant's behalf for requesting the enforcement of a by-law passed under this paragraph.

Licences for wheeled vehicles

113. Requiring all residents in the municipality owning and using any wheeled vehicle or any class or classes thereof, other than a motor vehicle and a trailer as defined in *The*

Highway Traffic Act and a wheeled vehicle used for farming purposes, to obtain a licence therefor before using it upon any highway of the municipality.

(*a*) A by-law under this paragraph,

(i) may limit the weight or size of loads that may be carried on wheeled vehicles to which the by-law applies,

(ii) may regulate the issuing of the licences, and

(iii) may fix, and provide for the collection of, an annual fee for such licences which may be in different amounts for different classes of vehicles.

s. 354 (1), amended

(5) Subsection 1 of the said section 354 is further amended by adding thereto the following paragraph:

Parking facilities for handicapped persons

131*a*. For requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for the sole use of vehicles operated by or conveying a physically handicapped person and in respect of which a permit has been issued under a by-law passed by the council under paragraph 107*b* and for prohibiting the use of such spaces by other vehicles.

(*a*) A by-law passed under this paragraph may specify the dimensions of parking spaces to be provided for the sole use of vehicles operated by or carrying a physically handicapped person and for the number of such spaces to be provided by each owner or operator of a parking lot or other parking facility, which number may be based upon a proportion of the total number of parking spaces in the parking lot or parking facility to which the public has access.

s. 362*a*, amended

5. Section 362*a* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 83, section 7, is amended by adding thereto the following subsection:

Exemption from connecting

(1*a*) A by-law passed under subsection 1 may provide for exempting owners of buildings, or any such class or classes thereof as may be specified in the by-law, in the municipality or in any defined area thereof from the application of the provisions of the by-law requiring the connection of such buildings or such class or classes thereof to the sewage works or water works of the municipality upon payment by the owner

to the municipality of such amounts or of amounts computed by such method as may be provided for in the by-law, and the amounts or method of computation provided for may be different for owners of different classes of buildings, and the by-law may provide for the manner in which and the period for which the payments shall be made.

6. Section 377 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 136, section 17, is further amended by adding thereto the following paragraph: s. 377, amended

1*b*. A by-law passed under paragraph 1 for the licensing of owners and drivers of cabs may provide that its provisions, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the *Department of Transport Act* (Canada). Cabs, destinations outside municipality R.S.C. 1970, c. T-15

7. Section 389 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is amended by adding thereto the following subsection: s. 389, amended

(3) A by-law passed under subsection 1 may provide for the payment of a specified amount or amounts calculated according to a specified rate in lieu of the amount of actual expenses incurred in respect of items of expenditure specified in the by-law where the specified amounts or rates, in the opinion of the council, reasonably reflect the actual expenses that would be incurred. Expense allowances

8. Section 389*b* of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is repealed and the following substituted therefor: s. 389*b*, re-enacted

389*b*. Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying such expenses of persons mentioned in subsection 1 of section 389*a* as are actually incurred as a result of their acting in their capacity as members of the local board or other body, and as are authorized by the by-law, and subsections 2 and 3 of section 389 apply with necessary modifications to a by-law passed under this section. Expense allowances

s. 389*c*, re-enacted

9. Section 389*c* of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is repealed and the following substituted therefor:

Remuneration or expenses not to be paid by local board

389*c*.—(1) Notwithstanding the provisions of any general or special Act but subject to subsection 2, no remuneration or expenses shall be paid by a local board to a person mentioned in subsection 1 of section 389*a* or subsection 1 of section 389*e* in respect of his membership on the local board.

Payment of chairman and vice-chairman

(2) Notwithstanding subsection 1, where a person mentioned in subsection 1 of section 389*a* or subsection 1 of section 389*e* is the chairman or vice-chairman of a local board, the board may provide for the payment to such chairman or vice-chairman of such remuneration and expenses as may be established by the council of the municipality, or, where more than one municipality is concerned, as established by the board, and such remuneration or expenses may be in addition to the remuneration or expenses paid to such person under any other section of this Act or under any other general or special Act in respect of his membership on the board.

s. 389*d* (1), amended

10. Subsection 1 of section 389*d* of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is amended by inserting after "or" in the fifth line "as".

s. 390*a*, enacted

11. The said Act is further amended by adding thereto the following section:

Liability insurance, payment of damages, etc.

R.S.O. 1970, c. 118

390*a*.—(1) The council of every municipality may pass by-laws for contracting for insurance to protect the members of the council or of any local board thereof, as defined in *The Municipal Affairs Act*, against risks that may involve liability on the part of such members and for paying premiums therefor or for paying any damages or costs awarded against any such members or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as members or officers of the municipality or local board including while acting in the performance of any statutory duty imposed by any general or special Act or for paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding.

Local boards

(2) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members.

12. Section 391 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 24, is amended by adding thereto the following subsection: s. 391, amended

(2) No payments shall be made under subsection 1 to, Excluded members

(*a*) the members of a school board;

(*b*) the members of a hydro-electric commission;

(*c*) the members of a public utilities commission;

(*d*) the trustees of a police village; or

(*e*) the members of a board of trustees of a police village.

13.—(1) Notwithstanding this Act or *The Municipal Amendment Act, 1978*, being chapter 32, for the period commencing on the 20th day of June, 1978, and ending on the 31st day of December, 1979, any rate, remuneration, expense or allowance paid to a member of the council of a municipality or a local board thereof or to an officer or servant of a municipality or a local board thereof in accordance with the provisions of *The Municipal Act* or any other general or special Act, as such Acts existed on the 19th day of June, 1978, shall be deemed not to be improperly paid by reason only of the fact that the payment was not made in accordance with the provisions of *The Municipal Act*, as amended by this Act, or *The Municipal Amendment Act, 1978*, being chapter 32. Remuneration and allowances, saving 1978, c. 32 R.S.O. 1970, c. 284

(2) Notwithstanding this Act or *The Municipal Amendment Act, 1978*, being chapter 32, a conservation authority shall, for the year 1979, continue to be responsible for the payment of the remuneration and expenses of the members of the authority appointed by its participating municipalities, unless prior to the 15th day of February, 1979 the conservation authority passes a resolution transferring such responsibility to the participating municipalities. Conservation authorities

(3) Notwithstanding section 389*d* of *The Municipal Act*, as enacted by *The Municipal Amendment Act, 1978*, being chapter 32, that section shall be deemed not to require the filing of a statement in respect of remuneration and expenses paid for the years 1978 and 1979. No statements required under section 389*d* for 1978 and 1979

(4) In this section, "municipality" includes a regional, metropolitan and district municipality and the County of Oxford. Interpretation

s. 429, repealed

14. Section 429 of the said Act is repealed.

s. 443 (6), re-enacted

15. Subsection 6 of section 443 of the said Act is repealed and th following substituted therefor:

Approval of by-law by judge of county or district court

(6) A by-law of the council of a township passed unde clause *c* of subsection 1,

(*a*) in the case of a township in unorganized territory does not have any force until approved by a judg of the district court of the district in which th township is situated; and

(*b*) in the case of a township separated for municipa purposes from the county in which it is situatec does not have any force until approved by a judg of the county court of the county in which th township is situated.

Notice to clerk of county

(6*a*) Where the council of a township, other than township mentioned in subsection 6, intends to pass by-law under clause *c* of subsection 1, it shall so notify, i writing, the clerk of the county in which the township i situated by registered mail or by personal service.

Objection to by-law

(6*b*) If the council of the county objects to the passing c the proposed by-law in respect of which a notice is give under subsection 6*a*, it shall so notify the clerk of the towr ship, in writing, by registered mail or by personal servic within sixty days of the receipt of the notice by the cler of the county, and thereupon the proposed by-law sha not be passed except by agreement between the counc of the county and the council of the township and, failin agreement, the Municipal Board, upon application, ma determine the matter and its decision is final.

Passage of by-law

(6*c*) After giving the notice required under subsectic 6*a*, the council of the township may pass a by-law und clause *c* of subsection 1 where,

(*a*) the council of the county has by by-law consent to the passing of the by-law by the township; or

(*b*) the sixty-day period referred to in subsection has elapsed and no notice of objection has be received by the clerk of the township from t council of the county,

and the council of the county shall have no further right of objection.

16. Clause *b* of subsection 1 of section 446 of the said Act is repealed and the following substituted therefor: s. 446 (1) (*b*), re-enacted

(*b*) the council shall hear any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

17.—(1) Subsection 1 of section 472 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 13, is repealed and the following substituted therefor: s. 472 (1), re-enacted

(1) Every person is qualified to be elected a trustee or to vote at the election thereof, Qualifications, trustees and electors

(*a*) who is entitled to be an elector under section 12 or 13 of *The Municipal Elections Act, 1977* for the election of members of the council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or owner or tenant of land situate in the village or the spouse of such owner or tenant; and 1977, c. 62

(*b*) who is not disqualified by this or any other Act from holding the office of trustee or from voting at the election to such office.

(2) Notwithstanding subsection 1 of section 472 of the said Act, as re-enacted by subsection 1 of this section, where in any municipality or locality proceedings in respect of the regular election in 1978 were taken in accordance with subsection 1 of section 472 as it existed on the 19th day of June, 1978, the proceedings shall be deemed not to be invalidated by reason only of the fact the proceedings were not taken in accordance with subsection 1 of section 472 as re-enacted by subsection 1 of this section. Saving

18. Subsection 2 of section 502 of the said Act is repealed and the following substituted therefor: s. 502 (2), re-enacted

(2) The trustees appointed under subsection 1 shall be deemed to be members of a council under sections 388 and 389 and section 389*d* applies with necessary modifications to the secretary-treasurer appointed under subsection 9. Remuneration of trustees

Commencement

19.—(1) This Act, except sections 2, 7, 8, 9 and subsection 1 of section 17, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Sections 7, 8 and 9 and subsection 1 of section 17 shall be deemed to have come into force on the 20th day of June, 1978.

Short title

20. The short title of this Act is *The Municipal Amendment Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

The Municipal Act

1st Reading

December 5th, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 13th, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental
Affairs

1978

BILL 199 Pauline M. McGibbon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The County Courts Act

THE HON. R. MCMURTRY
Attorney General and Solicitor General

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 199 1978

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Courts Act*, being chapter 94 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 32*a*, enacted

32*a*. Where in any Act an appeal to the county court is provided for, the county court has the same powers upon the hearing and disposition of the appeal as the Court of Appeal has under *The Judicature Act* in civil matters, subject to any express provision in the Act that provides for the appeal. Powers on statutory appeals R.S.O. 1970, c. 228

2. This Act shall be deemed to have come into force on the 31st day of March, 1978. Commencement

3. The short title of this Act is *The County Courts Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 15 19 78

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

1st Reading

December 7th, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 12th, 1978

THE HON. R. MCMURTRY
Attorney General and Solicitor General

BILL 202 Pauline McGibbon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 202 1978

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1978, chapter 53, section 1 and 1978, chapter 80, section 1, is repealed and the following substituted therefor: s. 20 (1), re-enacted

(1) This Act, upon receiving Royal Assent, shall be deemed to have come into force on the 29th day of July, 1975, and is retroactive to the extent necessary to give full force and effect to its provisions on, from and after that date, and is repealed on the 30th day of June, 1979. Commencement and expiry

(2) Subsection 2 of the said section 20, as re-enacted by the Statutes of Ontario, 1978, chapter 80, section 1, is repealed and the following substituted therefor: s. 20 (2), re-enacted

(2) Notwithstanding subsection 1, Idem

(*a*) where there has been an increase in rent for residential premises charged to take effect after the 30th day of June, 1978, and on or before the 30th day of June, 1979, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and

(*b*) this Act continues in force for the purpose of,

(i) hearing and making orders in respect f applications filed on or before the 30th o of June, 1979, and appeals from such ord relating to a rental period commencing on r before that date, and

(ii) enforcing orders made under this Act.

Commencement

2. This Act comes into force on the day it receives Royal Asse

Short title

3. The short title of this Act is *The Residential Premises R Review Amendment Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 19 78

Roderick Lew

CLERK
LEGISLATIVE ASSEMBLY

Premises Rent Review Act, 1975
(2nd Session)

1st Reading

December 8th, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 12th, 1978

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

1978

BILL 203 1st. rec. Leg. Assembly

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

L 203 1978

An Act to amend The Municipal Act

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as vs:

. Subsection 8 of section 368*b* of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1978, chapter 17, section 2, is repealed and the following substituted therefor: s. 368*b* (8), re-enacted

(8) By-laws passed under this section do not apply to premises or trades, callings, businesses or occupations carried on in premises licensed under *The Theatres Act* or licensed under a by-law passed under section 368*a* of this Act. Non-application of by-laws R.S.O. 1970, c. 459

. This Act comes into force on the day it receives Royal Assent. Commencement

. The short title of this Act is *The Municipal Amendment Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipal Act

1st Reading

December 12th, 1978

2nd Reading

December 14th, 1978

3rd Reading

December 14th, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

1978

BILL 208 Pauline Leg. Leg. Assembly

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to repeal The Pyramidic Sales Act, 1972

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 208 **1978**

An Act to repeal The Pyramidic Sales Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Pyramidic Sales Act, 1972*, being chapter 57, is repealed but, for the purpose of winding up funds established under that Act and paying claims of investors, sections 1, 2, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 shall continue to apply in respect of a promoter who held a certificate of acceptance the day before this Act comes into force. 1972, c. 57, repealed

(2) Expressions used in this Act have the same meaning as in *The Pyramidic Sales Act, 1972*. Interpretation

(3) In this Act, "fund" means a fund established as a trust fund under an escrow agreement referred to in subsection 4 of section 12 of *The Pyramidic Sales Act, 1972*. Idem

2. Every fund shall continue to be held in accordance with the escrow agreement under which it was established and, notwithstanding anything to the contrary in any such escrow agreement, no money shall be released from the fund except by the direction of the Registrar or as provided in section 4. Trust funds

3. Every person who is entitled to rescind an agreement under subsection 1 of section 12 of *The Pyramidic Sales Act, 1972* on the day before this Act comes into force may rescind the agreement at any time before the 1st day of June, 1979. Rescission 1972, c. 57

4.—(1) Except for money released therefrom pursuant to a direction of the Registrar, every fund shall be held until the 1st day of January, 1980 after which date the holder of the fund shall apply to a judge of the Supreme Court for direction on the disposition of the fund. Disposition of trust funds

Idem

(2) In making an order under subsection 1, the judge shall consider legal proceedings instituted against the promoter and shall make such provision as he considers necessary to ensure that a sufficient amount of the fund shall be available to satisfy existing or potential judgments against the promoter.

Where escrow agreement terminated

(3) Where a holder of a fund intends to terminate the escrow agreement, the holder shall give notice to the Registrar of the intention and upon the Registrar appointing another person to hold the fund, the holder shall turn the fund over to the person so appointed.

Idem

(4) A person appointed under subsection 3 shall hold the fund upon the same terms as the original holder and this Act shall apply to that person as if he were the original holder.

Administrator

5.—(1) There shall be an Administrator who shall be appointed by the Registrar.

Duties of Administrator

(2) The Administrator may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Registrar.

Idem

(3) The Administrator shall,

(*a*) make reasonable efforts to give notice to investors of their entitlement under section 3;

(*b*) advise investors as to the manner in which claims for repayment under subsection 3 of section 12 of *The Pyramidic Sales Act, 1972*, may be made against a fund;

(*c*) establish procedures for resolution of disputes between a promoter and an investor;

(*d*) advise holders of funds of any claims or legal proceedings of which he has knowledge instituted by investors against a promoter;

(*e*) retain such staff and obtain such assistance and advice as he considers necessary to carry out his duties; and

(*f*) fulfil such other functions as the Registrar considers necessary to ensure the proper disposition of funds.

Expenses paid out of interest

6. The Registrar may direct the holder of a fund to pay, out of interest earned on the fund, the reasonable fees and expenses of,

(*a*) the holder of a fund where the fees and expenses are incurred as a result of this Act and not otherwise provided for in the escrow agreement establishing the fund; and

(*b*) the Administrator incurred in the performance of his duties.

Return of commodity 1972, c. 57

7.—(1) For the purposes of subsection 3 of section 12 of *The Pyramidic Sales Act, 1972*, a commodity is deemed to have been returned on the thirtieth day after the day on which the investor serves notice of rescission on the promoter as provided in subsection 2 of section 12 of *The Pyramidic Sales Act, 1972*.

Information contained in notice

(2) The notice referred to in subsection 1 shall specify the location at which the commodity is located and when it may be picked up by the promoter.

Where notice not required

(3) Notwithstanding subsection 1 of section 12 of *The Pyramidic Sales Act, 1972*, notice of rescission is not required to be given to any person other than the promoter.

Payment out of fund

8.—(1) Where there has been rescission of an agreement and return of the commodity and the promoter has not paid to the investor the amount that the investor is entitled to receive under subsection 3 of section 12 of *The Pyramidic Sales Act, 1972* within sixty days after notice of rescission has been served, by personal delivery or by registered mail, the investor may apply to the Administrator for repayment out of the appropriate fund, and where the Administrator is satisfied that the commodity has been returned in merchantable condition and that the promoter has not paid to the investor the amount that the investor is entitled to receive under subsection 3 of section 12 of *The Pyramidic Sales Act, 1972*, the Administrator shall recommend to the Registrar that payment be made to the investor out of the fund and the Registrar may direct such payment

Merchantable condition

(2) Notwithstanding any agreement to the contrary, a commodity shall not be deemed not to be in merchantable condition only by reason that cases have been opened, are less than full or are not in the original sealed condition in which they left the promoter's warehouse.

Certificates withdrawn

9.—(1) All certificates of acceptance issued under *The Pyramidic Sales Act, 1972* are withdrawn and nothing in this Act shall be construed as licensing or otherwise permitting a scheme of pyramid selling.

Legal proceedings may continue

(2) Notwithstanding subsection 1, any legal proceeding instituted in respect of a certificate of acceptance may be continued.

Exception to 1972, c. 57, s. 19

10. Section 19 of *The Pyramidic Sales Act, 1972* does not apply to any person employed in the administration of that Act or in the administration of this Act to prohibit communication of information where the communication is made to an investor for the purpose of assisting the investor in ascertaining or exercising his rights under this Act.

Commencement and expiry

11. This Act comes into force on the day it receives Royal Assent and is repealed on the 1st day of January, 1981.

Short title

12. The short title of this Act is *The Pyramidic Sales Repeal Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to repeal
The Pyramidic Sales Act, 1972

1st Reading

December 13th, 1978

2nd Reading

December 14th, 1978

3rd Reading

December 14th, 1978

THE HON. FRANK DREA
Minister of Consumer
and Commercial Relations

1978

BILL 214

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 214 1978

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1979

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1979; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows: Preamble

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole $12,964,992,900 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1978, to the 31st day of March, 1979, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based. $12,964,992,900 granted for fiscal year 1978-79

(2) Where, in the fiscal year ending the 31st day of March, 1979, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered Exception

by the minister to whom the powers and duties are so assigned and transferred.

Accounting for expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Supply Act, 1978.*

SCHEDULE

	Estimates	Supplementary Estimates	Total
	$	$	$
Office of the Lieutenant Governor	105,000		105,
Office of the Assembly	17,097,000	1,293,300	18,390,
Office of the Premier	1,595,000		1,595,
Cabinet Office	1,144,000		1,144,
Management Board	108,530,000		108,530,
Office of the Provincial Auditor	2,090,000		2,090,
Office of the Ombudsman	4,116,000		4,116,
Government Services	261,615,600		261,615,
Northern Affairs	139,902,000		139,902,
Revenue	199,411,000		199,411,
Treasury and Economics	21,738,000		21,738,
Intergovernmental Affairs	510,770,000	8,047,000	518,817,
Justice Policy	527,000		527,
Attorney General	135,495,700	1,300,000	136,795,
Consumer and Commercial Relations	63,850,000		63,850,
Correctional Services	123,151,000		123,151,
Solicitor General	166,999,000		166,999,
Resources Development Policy	3,620,000	57,300	3,677,
Agriculture and Food	168,847,000	3,200,000	172,047,
Energy	27,351,000	6,500,000	33,851,
Environment	280,798,000		280,798,
Housing	284,229,000		284,229,
Industry and Tourism	62,136,000		62,136,
Labour	35,726,000		35,726,
Natural Resources	247,012,000		247,012,
Transportation and Communications	1,079,903,000		1,079,903,
Social Development Policy	2,328,000		2,328,

	Estimates	Supplementary Estimates	Total
	$	$	$
olleges and Universities	1,369,147,000	10,000,000	1,379,147,000
ommunity and Social Services	1,225,694,000		1,225,694,000
ulture and Recreation	180,806,000	34,000,000	214,806,000
ducation	2,230,353,000		2,230,353,000
Iealth	3,944,509,000		3,944,509,000
Total	12,900,595,300	64,397,600	12,964,992,900

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1979

1st Reading

December 15th, 1978

2nd Reading

December 15th, 1978

3rd Reading

December 15th, 1978

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

1978

BILL Pr1 Pauline Cy. Cy. S. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive John A. Schmalz Agencies Limited

MR. BREITHAUPT

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr1 **1978**

An Act to revive John A. Schmalz Agencies Limited

WHEREAS John Robert Schmalz hereby represents that John A. Schmalz Agencies Limited, herein called the Corporation, was incorporated by letters patent dated the 28th day of December, 1951; that the Minister of Consumer and Commercial Relations by order dated the 22nd day of August, 1973, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation and declared it to be dissolved on the 26th day of September, 1973; that notice of default in filing annual returns required by subsection 2 of section 251 of *The Business Corporations Act* was sent to each of the persons of record on the files of the Minister of Consumer and Commercial Relations of whom one, John Robert Schmalz, a director and shareholder of the Corporation, is the applicant herein; although the said notice of default was sent to each of the directors of the Corporation it was not or apparently was not received by all of them, and in any event, that through inadvertence the necessary annual returns for the Corporation were not filed, and the funds for renewal of the charter and the required documentation in connection with the revival of the Corporation were apparently not received within the time provided by statute; that the Corporation at the time of its dissolution was and is now actively carrying on the business authorized by its letters patent; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. John A. Schmalz Agencies Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities,

John A. Schmalz Agencies Limited revived

contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The John A. Schmalz Agencies Limited Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 24 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
John A. Schmalz Agencies Limited

1st Reading

March 30th, 1978

2nd Reading

April 21st, 1978

3rd Reading

April 21st, 1978

MR. BREITHAUPT

1978

BILL Pr3 1st rd. in Leg. Leg. Assembly

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting Crossroads Christian Communications Incorporated

MR. LAWLOR

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr3 **1978**

An Act respecting Crossroads Christian Communications Incorporated

Preamble

WHEREAS Crossroads Christian Communications Incorporated, herein called the Corporation, hereby represents that it was incorporated by letters patent issued under the *Canada Corporations Act* on the 17th day of March, 1977; that the Corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that pursuant to a lease between the Confederation Life Insurance Company and the Corporation, the Corporation has acquired a leasehold interest for a term of nineteen years and ten months in lands owned by the Confederation Life Insurance Company and the building erected thereon; that the lands and building have been assessed and taxed by The Corporation of the City of Toronto; and whereas the applicant hereby applies for special legislation to exempt its aforesaid real property, occupied and used by it in the City of Toronto, from municipal taxation, except for local improvement rates; and whereas it is expedient to grant the application;

R.S.C. 1970, c. C-32

R.S.C. 1952, c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Exemption from taxation

1.—(1) The council of The Corporation of the City of Toronto may pass by-laws exempting from taxes for municipal or school purposes, or both, other than local improvement rates, the land, as defined in *The Assessment Act*, of Crossroads Christian Communications Incorporated, being the lands and building known as 100 Huntley Street, excluding therefrom the lands appurtenant or adjacent thereto which on the 12th day of May, 1978 were owned by the Confederation Life Insurance Company and were being used on that date as a car parking lot, provided that the land is occupied and used solely for the purposes of the Corporation, on such conditions as may be set out in the by-law.

R.S.O. 1970, c. 32

Reimbursement for taxes already paid

(2) The council of The Corporation of the City of Toronto may by by-law reimburse the Corporation for taxes, or any

portion thereof, paid in respect of the land referred to in subsection 1 for the period commencing on the 15th day of April, 1977 and ending on the day that a by-law passed under subsection 1 comes into force.

Deemed exemption under R.S.O. 1970, cc. 295, 32

2. For the purposes of subsection 8 of section 214 of *The Municipality of Metropolitan Toronto Act*, an exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of *The Assessment Act*.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Crossroads Christian Communications Incorporated Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 26 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

Christian Communications Incorporated

1st Reading

March 30th, 1978

2nd Reading

May 23rd, 1978

3rd Reading

May 23rd, 1978

MR. LAWLOR

1978

Pauline M. McGibbon

BILL Pr4

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the City of Cornwall

MR. SAMIS

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr4 **1978**

An Act respecting the City of Cornwall

Preamble

WHEREAS The Corporation of the City of Cornwall, herein called the Corporation, hereby represents that by letters patent dated the 13th day of November, 1857 the Province of Canada granted the lands described in Schedule 1 hereto to the Mayor and Corporation of the Town of Cornwall in trust, as a site for a market place; that by a deed dated the 3rd day of October, 1895 and registered in the Land Registry Office for the Registry Division of Stormont (No. 52) as number 6357, The Toronto General Trust Company, Trustees, granted the lands described in Schedule 2 hereto to The Corporation of the Town of Cornwall for the purposes of a public park; that the said lands are required by the Corporation as part of a land assembly required for the purposes of the Ontario Downtown Revitalization Programme; that for purposes of the said Programme it is necessary that the Corporation hold the said lands in fee simple free from any trusts or conditions; that it is desirable to assure to the Corporation the estate in the said lands subject to no other interest or claim; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Land vested in City of Cornwall

1. The land described in Schedule 1 hereto is hereby declared to be vested in the Corporation in fee simple free from any trust that the land be used for a market place as contained in the aforesaid letters patent dated the 13th day of November, 1857 and the trustee under the trust is hereby absolved from any duties, responsibilities or liabilities imposed upon it by the said letters patent.

Idem

2. The land described in Schedule 2 hereto is hereby vested in the Corporation in fee simple free from all rights, trusts, interests, limitations and restrictive covenants except

the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The City of Cornwall Act, 1978*.

SCHEDULE 1

All that parcel or tract of land situate in the City of Cornwall, in the County of Stormont, formerly in the Town of Cornwall, containing by admeasurement two acres be the same more or less and being composed of lots 10 and 11 on the north side of Water Street in the said City as shown on a sketch plan of survey prepared by L. P. Stidwill, Ontario Land Surveyor, and dated the 6th day of January, 1977.

SCHEDULE 2

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Cornwall, in the County of Stormont, formerly in the Town of Cornwall, being composed of Lot 10 and part of Lot 11 on the south side of First Street in the said City of Cornwall, said part of said Lot 11 being that part thereof not heretofore sold by Ann Catherine Christian VanKoughnet to one Hill Campbell, and the part of said Lot 11 so sold to the said Hill Campbell being described as follows:

BEGINNING at the northwest corner of said Lot 11;

THENCE east along First Street, 28 feet 7 inches;

THENCE south parallel with Amelia Street, 120 feet;

THENCE west parallel with First Street, 28 feet 7 inches;

THENCE north parallel with Amelia Street, 120 feet to the place of beginning as shown on a sketch plan of survey prepared by L. P. Stidwill, Ontario Land Surveyor, and dated the 6th day of January, 1977.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

1st Reading

March 30th, 1978

2nd Reading

May 4th, 1978

3rd Reading

May 4th, 1978

MR. SAMIS

1978

BILL Pr5 1st reading Leg. Leg. Assembly

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Hare Transport Limited

MR. HODGSON

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr5 **1978**

An Act to revive Hare Transport Limited

WHEREAS Wallace G. Hare hereby represents that Hare Transport Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 17th day of November, 1960; that the Provincial Secretary by order dated the 29th day of September, 1966 and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 3rd day of November, 1966; that the applicant was the treasurer of the Corporation at the time of the dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned vehicles used in its operation and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Hare Transport Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. Hare Transport Limited revived

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Hare Transport Limited Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 24 1978

Roderick Lewis

Hare Transport Limited

1st Reading

March 30th, 1978

2nd Reading

April 21st, 1978

3rd Reading

April 21st, 1978

MR. HODGSON

1978

BILL Pr6 Pauline Leg. Leg. S. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive A. C. McIntyre Motors Limited

MR. TAYLOR
Simcoe Centre

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr6 **1978**

An Act to revive A. C. McIntyre Motors Limited

WHEREAS Edward James Turner McIntyre hereby represents that A. C. McIntyre Motors Limited, herein called the Corporation, was incorporated by letters patent dated the 18th day of July, 1949; that the Minister of Consumer and Commercial Relations by order, dated the 24th day of October, 1973 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared it to be dissolved on the 28th day of November, 1973; that at the time of its dissolution the Corporation had three shareholders, namely, Allan Franklin Campbell McIntyre, Edward James Turner McIntyre, the applicant herein, and Clara Ellen McIntyre; that Allan Franklin Campbell McIntyre, the brother of the applicant, managed the affairs of the Corporation and he became ill in the year 1972 and subsequently died on the 11th day of September, 1974; that Clara Ellen McIntyre was the mother of the applicant and she died in March, 1977; that the applicant has obtained all of the shares of his deceased brother and mother; that the applicant was the secretary of the Corporation at the time of its dissolution; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned certain property and that it is desirable that the Corporation be revived in order to deal with the said property; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. A. C. McIntyre Motors Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its prop- A. C. McIntyre Motors Limited revived

erty, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The A. C. McIntyre Motors Limited Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 24 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
A. C. McIntyre Motors Limited

1st Reading

March 30th, 1978

2nd Reading

April 21st, 1978

3rd Reading

April 21st, 1978

Mr. Taylor
Simcoe Centre

1978

BILL Pr7

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the City of Hamilton

MR. DEANS

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr7 **1978**

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "city" means the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth;

(*b*) "council" means the council of the Corporation;

(*c*) "licensing committee" means the licensing committee established pursuant to section 2.

2.—(1) The council may pass a by-law establishing a licensing committee for the Corporation to be known as "The City of Hamilton Licensing Committee". Council may pass by-law establishing licensing committee

(2) The licensing committee shall be composed of at least three members appointed by council of whom one or more members may be members of council. Composition of licensing committee

(3) A majority of members of the licensing committee constitutes a quorum. Quorum

(4) The licensing committee shall elect a chairman and the chairman shall have the power to sign any document on behalf of the licensing committee. Chairman

(5) The members of the licensing committee shall hold office until the expiration of the term of the council that appointed them. Term of office

Idem

(6) Members of the licensing committee shall hold office until their successors are appointed and be eligible for reappointment, and where a member ceases to be a member before the expiration of his term, the council shall appoint another person for the unexpired term of the person who has ceased to be a member.

Idem

(7) Notwithstanding subsection 6, the council may, at any time, terminate the term of office of a member of the licensing committee.

Remuneration

(8) The Corporation may pay each member of the licensing committee such remuneration as may be determined by council.

Powers of licensing committee

3.—(1) The licensing committee shall have the following powers in the place and stead of council:

1. To receive licence applications and fees and issue receipts therefor.

2. To issue and renew licences and approve the transfer of licences where in the opinion of the licensing committee the requirements for the issue, renewal or transfer of a licence, as the case may be, have been satisfied.

3. To refuse to issue or renew licences or approve transfers of licences where in the opinion of the licensing committee the requirements for the issue, renewal or transfer of a licence, as the case may be, have not been satisfied.

Additional powers of licensing committee 1971, c. 47

(2) Subject to *The Statutory Powers Procedure Act, 1971*, the licensing committee shall have the following additional powers in the place and stead of council,

(*a*) to hear an applicant or licensee who is entitled to a hearing under subsection 3 and to recommend to council whether or not a licence, in respect of which such a hearing has been held, should be issued, renewed, transferred, suspended or revoked, as the case may be, and to attach specified conditions to the suspension;

(*b*) to make such decisions, and perform all such acts, matters, deeds and things as may be necessary or incidental to the exercise of its powers.

(3) An applicant for a licence or a transfer of a licence and every licensee shall have the right to a hearing before the licensing committee where, Right to a hearing

(*a*) the licensing committee has refused to issue, renew or transfer the licence, as the case may be;

(*b*) the licensing committee has suspended or revoked the licence, as the case may be.

(4) Upon the conclusion of a hearing held pursuant to clauses *a* and *b* of subsection 2, the licensing committee shall make a recommendation to council. Recommendation to council

(5) In respect of a licence for which a recommendation has been submitted to council pursuant to subsection 4, after considering the recommendation and without holding a further hearing, council may, Decision of council

(*a*) issue, renew, transfer or revoke the licence;

(*b*) suspend the licence with or without conditions; or

(*c*) refuse to issue, renew, transfer, suspend or revoke the licence.

4.—(1) By-laws passed by the council licensing trades, callings, businesses or occupations, or the person carrying on or engaged in it, and licensing, regulating or governing places or things under *The Municipal Act* or any special Act of the Corporation, may provide a procedure for the voluntary payment of penalties out of court where it is alleged that any provision of the by-law has been contravened and, if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* applies. Voluntary payments of penalties R.S.O. 1970, c. 284

(2) The council may by by-law determine the amount of the penalties, not exceeding $1,000, to be paid out of court for each alleged contravention where a person volunteers to make payment out of court under subsection 1. Idem

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. The short title of this Act is *The City of Hamilton Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1975

Frederick Lewis

CLERK
LEGISLATIVE ASSEMBLY

the City of Hamilton

1st Reading

March 30th, 1978

2nd Reading

May 8th, 1978

3rd Reading

May 8th, 1978

MR. DEANS

1978

BILL Pr8 Pauline McGibbon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Beaver Construction (Ontario) Limited

MR. HANDLEMAN

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr8 **1978**

An Act to revive Beaver Construction (Ontario) Limited

WHEREAS John S. Newman, R. C. Scrim and H. Sutherland hereby represent that Beaver Construction (Ontario) Limited, herein called the Corporation, was incorporated by letters patent dated the 25th day of August, 1961; that the Minister of Consumer and Commercial Relations, by order dated the 4th day of December, 1974 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared it to be dissolved on the 8th day of January, 1975; that the applicants were all of the directors of the Corporation at the time of the dissolution; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned real property and that the Corporation at the time of its dissolution was and is now carrying on active business; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Beaver Construction (Ontario) Limited, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. Beaver Construction (Ontario) Limited revived

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Beaver Construction (Ontario) Limited Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 24 1978

Roderick Lewis

Beaver Construction (Ontario) Limited

1st Reading

March 30th, 1978

2nd Reading

April 21st, 1978

3rd Reading

April 21st, 1978

MR. HANDLEMAN

1978

BILL Pr9 1st reading Leg. Leg. S. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to incorporate The Macdonald Stewart Community Art Centre

MR. WORTON

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr9 **1978**

An Act to incorporate The Macdonald Stewart Community Art Centre

WHEREAS The Corporation of the City of Guelph, the University of Guelph, The Wellington County Board of Education, and The Corporation of the County of Wellington hereby apply for special legislation to incorporate The Macdonald Stewart Community Art Centre and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Board" means the Board of Trustees of the Centre;

(*b*) "Centre" means The Macdonald Stewart Community Art Centre;

(*c*) "property" means real or personal property and any interest therein;

(*d*) "Sponsoring Bodies" means, The Corporation of the City of Guelph, the University of Guelph, The Wellington County Board of Education, and The Corporation of the County of Wellington or such other bodies as may be added thereto or substituted therefor by the Board.

2.—(1) There is hereby constituted a corporation without share capital under the name "The Macdonald Stewart Community Art Centre". Macdonald Stewart Community Art Centre incorporated

(2) The Centre shall consist of the general members of the Centre and the members for the time being of the Board. Composition of the Centre

Objects of the Centre

3. The objects of the Centre are, for charitable purposes,

(*a*) to provide facilities for and to conduct programs of education in the origin, development, appreciation and techniques of the visual arts for the student bodies of The Wellington County Board of Education and other educational institutions and for the community at large;

(*b*) to operate a community art centre to provide art gallery services for the general benefit of the community;

(*c*) to cultivate and advance the cause of the visual arts in the City of Guelph and in the County of Wellington and area;

(*d*) to collect and exhibit works of art and displays and to maintain and operate a gallery and related facilities as required for this purpose; and

(*e*) to stimulate the interest of the public in matters undertaken by the Centre.

Board of Trustees

4.—(1) The affairs of the Centre shall be managed and controlled by the Board which shall consist of not less than fifteen and not more than twenty-five trustees as follows:

1. Three persons appointed by The Corporation of the City of Guelph.

2. Three persons appointed by the University of Guelph.

3. Three persons appointed by The Wellington County Board of Education.

4. Three persons appointed by The Corporation of the County of Wellington.

5. Three other persons elected by the general membership of the Centre.

6. Such other persons appointed by the other Sponsoring Bodies, if any, in such number as may be determined, from time to time, by the Board, not to exceed three in number for each such other Sponsoring Body.

Idem

(2) Where a Sponsoring Body fails to make sufficient appointments, the Board may provide for additional appointments by one or more of the other Sponsoring Bodies.

(3) A trustee appointed or elected under subsection 1 shall hold office for a term of two years and until his successor is appointed or elected, as the case may be. Term of office

(4) Notwithstanding subsection 3, a Sponsoring Body may terminate at any time the term of any trustee appointed by that Sponsoring Body. Termination of appointment

(5) Where a vacancy occurs on the Board, the vacancy may be filled by appointment by the body that appointed or elected the trustee whose office is vacant, and a person so appointed shall hold office for the remainder of the term of his predecessor. Vacancies

(6) A trustee is eligible for reappointment or re-election, as the case may be. Re-election and reappointment

(7) The trustees shall annually elect from among themselves a chairman and one or more vice-chairmen. Chairman, vice-chairman

(8) The chairman shall preside at all meetings of the Board and, in his absence, a vice-chairman shall preside, and, in the absence of the chairman and the vice-chairmen, the members present at a meeting shall elect one of themselves to preside. Idem

(9) The trustees shall serve without compensation, and no trustee shall, directly or indirectly, receive any remuneration as such but reasonable expenses incurred by any trustee in the performance of his duty may be paid. Compensation

5. The Board may, Powers of Board

(*a*) make by-laws, rules and regulations,

(i) for the administration of its affairs including the fixing of a quorum of the Board, such quorum to be not fewer than eight in number and to consist of at least six persons appointed by the Sponsoring Bodies,

(ii) governing the use by the public of the facilities, property and equipment of the Centre and requiring the payment of fees for the admission of the public or any class thereof to such facilities and property, and prescribing the amounts of such fees,

(iii) providing for classes of general membership in the Centre and prescribing the qualifications,

powers and terms of the general membership and the fees to be paid therefor, and providing for and regulating meetings of the general members,

(iv) governing the election of trustees to the Board by the general membership of the Centre under paragraph 5 of subsection 1 of section 4,

(v) governing the election of new trustees where a vacancy occurs among the persons elected to the Board under paragraph 5 of subsection 1 of section 4, and

(vi) adding or substituting Sponsoring Bodies and providing for the appointment of trustees by such additional or substituted Sponsoring Bodies;

(*b*) appoint a Director of the Centre;

(*c*) appoint, promote, transfer or remove such officers and clerks and servants as the Board considers necessary from time to time for the proper conduct of the affairs of the Centre and the Board may delegate all or a part of the authority for so doing to the Director;

(*d*) fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of officers and members of the staff of the Centre;

(*e*) provide for the retirement and superannuation of persons mentioned in clauses *b* and *c*;

(*f*) appoint by resolution a trustee or trustees of the Board, or any other person or persons, to execute on behalf of the Board any documents or other instruments in writing and to affix the corporate seal of the Centre thereto;

(*g*) appoint an executive committee composed of the chairman, a vice-chairman and five trustees of the Board and delegate to the executive committee such powers of the Board as the Board may, from time to time, decide;

(*h*) appoint other committees from the trustees of the Board and such other committees as are considered desirable, and confer upon any such committees authority to act for the Board with respect to any matter or any class or classes of matters;

(*i*) enter into agreements with any association or organization to promote the objects of the Centre;

(*j*) enter into agreements with one or more universities, colleges, schools or school boards consistent with the objects of the Centre; and

(*k*) generally conduct and manage the business and affairs of the Centre.

6. The fiscal year of the Centre may be determined by the Board, from time to time, by by-law. Fiscal year

7.—(1) Notwithstanding any general or special Act, but subject to subsection 3, each of the Sponsoring Bodies may give financial and other support to the Centre as each of them may, from time to time, determine in writing. Support of Centre

(2) No Sponsoring Body shall have any obligation to subsidize operating or other costs of the Centre. Idem

(3) Grants paid to The Wellington County Board of Education or to the University of Guelph out of moneys appropriated or raised by the Legislative Assembly of Ontario for educational purposes shall not be used to give financial or other support to the Centre. Provincial funds

8. The Centre has, in addition to the powers, rights and privileges mentioned in clauses *a* and *c* of section 26 of *The Interpretation Act*, the power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, and to sell, grant, convey, mortgage, lease or otherwise dispose of the estate or property or any part thereof from time to time and as occasion may require, subject to the provisions of section 16 of this Act, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding any property actually required for the use and occupation of the Centre, but the rights and privileges mentioned in clause *b* of section 26 of *The Interpretation Act* are hereby expressly excluded. Property R.S.O. 1970, c. 225

Tax exemptions

9. The property vested in the Centre is not liable to taxation for municipal or school purposes, so long as it is actually used and occupied for the purposes of the Centre.

Property of Centre not liable to be expropriated

10. Real property vested in the Centre is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property conferred after the 8th day of July, 1966, shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto.

Application of property

11. The property and the income, revenues, issues and profits of all property of the Centre shall be applied solely to achieving the objects of the Centre.

Borrowing powers

12. Subject to the prior written approval of all the Sponsoring Bodies, the Board may borrow money upon the credit of the Centre, and may issue bonds, debentures or other securities of the Centre, and may pledge or sell them for such sums or at such prices as may be considered expedient or necessary, and, subject to section 16, the Board may, with the prior written approval of all the Sponsoring Bodies, hypothecate, mortgage or pledge all or any of the real or personal property, rights or powers of the Centre to secure any bonds, debentures or other securities and any indebtedness of or money borrowed for the purposes of the Centre.

Investment of funds

13. The funds of the Centre not immediately required for its purposes and the proceeds of all property that come to the Centre, subject to any trust or trusts affecting them, may be invested in such investments as the Board considers proper.

Audit
R.S.O. 1970, c. 373

14. The Board shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Centre at least once a year and the Board shall forward copies of the auditor's report to each of the Sponsoring Bodies.

Annual reports

15.—(1) The Board shall prepare, within six months of the end of its fiscal year, an annual report on the affairs of the Centre.

Reports to Lieutenant Governor

(2) Upon the request of the Lieutenant Governor in Council, the Board shall submit to the Lieutenant Governor its annual report and shall submit such other reports as the Lieutenant Governor may request from time to time.

(3) The Board shall submit to the Sponsoring Bodies its annual report and such other reports as any of the said Bodies may request from time to time. Reports to Sponsoring Bodies

16. Nothing in this Act authorizes the Board to alienate, hypothecate, mortgage or pledge any real or personal property given, devised or bequeathed to it with a condition annexed to such gift that the property shall not be alienated, hypothecated, mortgaged or pledged. Trust property

17. In the event of a conflict between any provisions of this Act and any provision of *The Corporations Act* and *The Mortmain and Charitable Uses Act*, the provisions of this Act prevail. Conflict R.S.O. 1970, cc. 89, 280

18. This Act comes into force on the day it receives Royal Assent. Commencement

19. The short title of this Act is *The Macdonald Stewart Community Art Centre Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to incorporate
The Macdonald Stewart Community
Art Centre

1st Reading

November 21st, 1978

2nd Reading

November 30th, 1978

3rd Reading

November 30th, 1978

MR. WORTON

1978

BILL Pr10 1st rd. in Leg. Leg. S. Ches

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Congregation Beth Am

MR. ROTENBERG

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr10 **1978**

An Act to revive Congregation Beth Am

Preamble

WHEREAS Irving Bornstein, Norman Horenfeldt, Nathan Goody and Harold Zweig, the applicants herein, represent that Congregation Beth Am, herein called the Corporation, was incorporated by letters patent dated the 30th day of May, 1956 as a corporation without share capital; that the Minister of Financial and Commercial Affairs by order dated the 8th day of December, 1971, made under the authority of subsection 9 of section 347 of *The Corporations Act*, cancelled the letters patent of the Corporation and declared it to be dissolved on the 12th day of January, 1972; that all of the applicants, except Harold Zweig, were directors of the Corporation at the time of its dissolution; that the notice of default in filing annual returns was apparently sent to each of the persons of record on the files of the Department of Financial and Commercial Affairs; that through inadvertence the annual returns for the Corporation were not filed; that none of the applicants was aware of the dissolution of the Corporation until more than five years after the date thereof; that the Corporation at the time of the dissolution was and is now actively carrying on religious and other charitable functions authorized by its letters patent; that the Corporation owned the lands described in Schedules 1 and 2 hereto, which lands were required for the Corporation's actual occupation or for the purpose of the religious and charitable functions authorized by its letters patent; that by virtue of subsection 2 of section 7 of *The Mortmain and Charitable Uses Act*, being chapter 246 of the Revised Statutes of Ontario, 1960, title to the said lands may have vested in the Public Trustee; that those parts of the said lands described in Schedule 1 are presently occupied and used by the Corporation for the said religious and charitable functions; that those parts of the said lands described in Schedule 2 are used as cemetery lands in conjunction with the Corporation's religious functions; that the applicants are desirous that the Corporation be relieved of the effects of the said Act, now being chapter 280 of the Revised Statutes of Ontario, 1970; and whereas the applicants hereby apply for special legislation reviving the

R.S.O. 1970, c. 89

Corporation, declaring that the said lands had never vested in the Public Trustee, and confirming that the Corporation has, and has always had, the power to acquire, hold, possess, enjoy, sell, mortgage, lease or otherwise dispose of land or any interest therein; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Congregation Beth Am revived

1. Congregation Beth Am is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

No title in Public Trustee

2.—(1) The lands described in Schedules 1 and 2 shall be deemed never to have vested in the Public Trustee.

Power to hold and deal with land R.S.O. 1970, c. 280

(2) Notwithstanding *The Mortmain and Charitable Uses Act*, the Corporation shall have and shall always be deemed to have had the power to acquire by purchase, lease, gift, devise or bequest and to hold, possess and enjoy, without limitation as to the period of holding, any land, or any estate or interest therein, in the Province of Ontario necessary for the actual use and occupation of the Corporation or for the carrying on of its undertaking, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require.

Disposition of land not required for the purpose of the Corporation

(3) Land acquired or held by the Corporation shall be disposed of by it within seven years from the time when the land ceases to be required for the Corporation's actual occupation or for the purpose of the religious and charitable functions authorized by its letters patent.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Congregation Beth Am Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE 1

Those parcels of land situate in the Borough of North York in The Municipality of Metropolitan Toronto shown on a plan registered in the Land Registry Office for the Land Titles Division of Toronto & York South (No. 66) as Plan M-879 and more particularly described as follows:

1. That parcel of land registered in the said Land Registry Office as Parcel B-2, Section M-879 and being composed of,

    i. Block B on the said Plan M-879 except those parts of the said Block designated as Parts 1 and 2 on a Plan recorded in the said Land Registry Office as Plan R-982, and

    ii. Block C on the said Plan M-879.

2. That parcel of land registered in the said Land Registry Office as Parcel B-4, Section M-879 and being composed of those parts of the said Block B designated as Parts 1, 2, 3, 4, 5, 6, 7 and 8 on a Plan recorded in the said Land Registry Office as Plan R-3540.

3. That parcel of land registered in the said Land Registry Office as Parcel 4-1, Section M-879 being Lot 4 on the said Plan M-879.

SCHEDULE 2

That parcel of land situate in the Borough of North York in The Municipality of Metropolitan Toronto, being composed of that part of Lot 24 in Concession 1, West of Yonge Street more particularly described as follows:

COMMENCING at a point upon the existing north limit of the said Lot, the said point being 535 feet 3 inches measured westerly along the said north limit from the easterly limit of Bathurst Street;

THENCE south 17° 8′ east to a point in the northerly limit of a right-of-way hereinafter described;

THENCE easterly along the said northerly limit of the said right-of-way 50 feet to a point;

THENCE north 17° 8′ west to a point 585 feet 3 inches measured easterly along the north limit of the said Lot from the easterly limit of Bathurst Street;

THENCE westerly along the north limit of the said Lot, 50 feet to the point of commencement;

Together with a right-of-way along with others entitled thereto over, along and upon:

Firstly: On the southerly 66 feet in perpendicular width of that part of the said Lot, formerly owned by Matthew Roy Woods, and extending easterly from the easterly limit of Bathurst Street to a depth of 2,042 feet on the southerly side thereof;

Secondly: That part of the said Lot, which may be more particularly described as follows:

COMMENCING at a point distant 66 feet measured northerly and at right angles to the existing southerly limit of that part of the said Lot, formerly owned by Matthew Roy Woods, which point is distant 587 feet 4 inches measured along a line drawn on a course south 17° 8′ east astronomically from its intersection with the existing northerly limit of the said Lot, distant 535 feet 3 inches measured easterly thereon from the easterly limit of Bathurst Street;

THENCE north 17° 8′ west astronomically 300 feet;

THENCE north 72° 57′ east 1,360 feet;

THENCE south 17° 8′ east 300 feet to a point distant 66 feet and measured northerly and at right angles to the existing southerly limit of that part of the said Lot, formerly owned by the said Matthew Roy Woods;

THENCE north 72° 57′ east parallel to the southerly limit of that part of the said Lot formerly owned by the said Matthew Roy Woods, 66 feet;

THENCE north 17° 8′ west 366 feet;

THENCE south 72° 57′ west 1,492 feet;

THENCE south 17° 8′ east 366 feet to a point distant 66 feet measured northerly and at right angles to the existing southerly limit of that part of the said Lot, formerly owned by the said Matthew Roy Woods;

THENCE north 72° 57′ east parallel to the existing southerly limit of that part of the said Lot owned on the 6th day of June, 1956 by Iwansker Mutual Benefit Society, 66 feet to the place of beginning.

1st Reading

March 30th, 1978

2nd Reading

May 4th, 1978

3rd Reading

May 4th, 1978

MR. ROTENBERG

BILL Pr11 1st rdg. in G. McSather

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive White Queen Limited

MR. STONG

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr11 **1978**

An Act to revive White Queen Limited

WHEREAS Sam Weizenbluth hereby represents that White Queen Limited, herein called the Corporation, was incorporated by letters patent dated the 29th day of April, 1970; that the Minister of Consumer and Commercial Relations, by order dated the 9th day of April, 1975, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared it to be dissolved on the 14th day of May, 1975; that the applicant was the sole director and sole beneficial shareholder of the Corporation at the time of its dissolution; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned certain property including real property and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. White Queen Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. White Queen Limited revived

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The White Queen Limited Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 24 1978

Roderick Lewis

White Queen Limited

1st Reading

March 30th, 1978

2nd Reading

April 21st, 1978

3rd Reading

April 21st, 1978

MR. STONG

1978

BILL Pr12 Private Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Salsberg's Smoke & Gift Shop Ltd.

MR. GRANDE

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr12 **1978**

An Act to revive Salsberg's Smoke & Gift Shop Ltd.

WHEREAS Samuel Salsberg and Harold Baumander hereby represent that Salsberg's Smoke & Gift Shop Ltd., herein called the Corporation, was incorporated pursuant to *The Business Corporations Act* on the 22nd day of March, 1971; that the Minister of Consumer and Commercial Relations by order dated the 16th day of July, 1975 and made pursuant to subsection 3 of section 251 of *The Business Corporations Act* cancelled the certificate of incorporation of the Corporation and declared it to be dissolved on the 20th day of August, 1975; that the applicants were the directors and the holders of all the common shares of the Corporation at the time of the dissolution; that the Corporation at the time of the dissolution was and is now carrying on active business; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application; **Preamble** **R.S.O. 1970, c. 53**

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Salsberg's Smoke & Gift Shop Ltd. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. **Salsberg's Smoke & Gift Shop Ltd. revived**

2. This Act comes into force on the day it receives Royal Assent. **Commencement**

3. The short title of this Act is *The Salsberg's Smoke & Gift Shop Ltd. Act, 1978.* **Short title**

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 24 1978

Rodney Lewis

Salsberg's Smoke & Gift Shop Ltd.

1st Reading

March 30th, 1978

2nd Reading

April 21st, 1978

3rd Reading

April 21st, 1978

MR. GRANDE

BILL Pr13 1st reading Mr. Walker

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the City of London

MR. WALKER

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr13 **1978**

An Act respecting the City of London

WHEREAS The Corporation of the City of London hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "corporation" means The Corporation of the City of London;

(*b*) "council" means the council of the corporation.

2.—(1) The corporation without share capital with the corporate name of "The London Art Gallery Board" established by section 5 of *The City of London Act, 1974*, is continued as a corporation without share capital with the corporate name of "London Regional Art Gallery". "The London Art Gallery Board", name changed to "London Regional Art Gallery" 1974, c. 148

(2) London Regional Art Gallery shall be deemed to be, and, since the 1st day of January, 1978, to have been, a local board for the purposes of *The Ontario Municipal Employees Retirement System Act*. London Regional Art Gallery deemed local board for purposes of R.S.O. 1970, c. 324

(3) Subsections 2 and 3 of section 5 of *The City of London Act, 1974*, being chapter 148, are repealed and the following substituted therefor: 1974, c. 148, s. 5 (2, 3), re-enacted

(2) The council of the Corporation shall appoint eight members to the Board, at least one of whom shall be a member of the council but none of whom shall hold office in the organizations mentioned in subsection 3 while members of the Board. Composition of Board

(3) There shall be seven other members of the Board, one appointed by the Canadian Artists' Representation, Idem

one appointed by the London Art Gallery Association, one appointed by the London Public Library Board, and four other citizens appointed by the London Art Gallery Board.

Execution of promissory notes and loan agreements R.S.O. 1970, c. 284

3. The signature of the head of the council or of any other person authorized to sign promissory notes made under section 332 of *The Municipal Act* or loan agreements made under section 333 of the said Act may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on such promissory notes or loan agreements and, if such promissory note or loan agreement is countersigned in writing by any person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

1977, c. 92, s. 8 (4) (*b*), re-enacted

4. Clause *b* of subsection 4 of section 8 of *The City of London Act, 1977*, being chapter 92, is repealed and the following substituted therefor:

(*b*) three residents of the municipality who shall hold office for three years, provided that on the first appointment the council from among such residents shall designate one who shall hold office until the 30th day of November, 1978, one who shall hold office until the 30th day of November, 1979, and one who shall hold office until the 30th day of November, 1980, so that one of such residents shall retire each year.

Special charge R.S.O. 1970, c. 284

5. By-laws passed by the council under the authority of section 361 of *The Municipal Act* may provide, notwithstanding subsection 16 thereof, that a sum equal to the sum of money provided for the purposes of a Board of Management for an improvement area may be levied as a special charge upon and shall be borne and paid by persons in the defined area assessed for business assessment who in the opinion of the council derive special benefit from the establishment of the area, and the sum chargeable to persons in the defined area shall be equitably apportioned among all persons in accordance with the benefits that, in the opinion of the council, accrue to them from the establishment of the area.

Issue of debentures

R.S.O. 1970, c. 255

6. Where the approval of the Ontario Municipal Board is obtained to raise money by the issue of debentures to defray the cost, including the corporation's portion of the cost, of any work undertaken pursuant to *The Local Improvement Act*, the council may issue such debentures prior to the

commencement or completion of the work being undertaken, notwithstanding subsection 2 of section 53 of that Act.

7.—(1) The City of London Planning Board is dissolved on the 31st day of December, 1978, and thereafter the council shall assume, perform and exercise all of the duties, functions and powers of a planning board under *The Planning Act* in respect of the City of London Planning Area. Planning Board dissolved R.S.O. 1970, c. 349

(2) The council shall appoint in each year of its term a planning committee consisting of, Planning committee

(*a*) the head of the council as a member *ex officio*;

(*b*) a member of the board of control;

(*c*) four members of the council;

(*d*) a member of the Public Utilities Commission of the City of London nominated by the Commission;

(*e*) a person nominated by The Board of Education for the City of London from amongst its members elected by public school electors;

(*f*) a person nominated by The London and Middlesex County Roman Catholic Separate School Board from amongst its trustees.

(3) The members of a planning committee hold office until their successors are appointed and are eligible for reappointment. Idem

(4) The council may provide for the payment of such remuneration and expenses of the members of the planning committee as it considers appropriate. Remuneration

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. The short title of this Act is *The City of London Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23, 1978

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
the City of London

1st Reading

May 12th, 1978

2nd Reading

June 22nd, 1978

3rd Reading

June 22nd, 1978

MR. WALKER

1978

BILL Pr14 1st reading Ly. Leg. Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive MacLellan Construction Limited as P. W. MacLellan Construction Inc.

MR. JOHNSON

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr14 **1978**

An Act to revive MacLellan Construction Limited as P. W. MacLellan Construction Inc.

WHEREAS Ivy Viola MacLellan and Peter William MacLellan hereby represent that MacLellan Construction Limited, herein called the Corporation, was incorporated by letters patent dated the 3rd day of July, 1950; that the Minister of Consumer and Commercial Relations, by order dated the 19th day of April, 1972, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared it to be dissolved on the 24th day of May, 1972; that the applicants were the holders of all the shares of the Corporation at the time of its dissolution; that the Corporation at the time of its dissolution was and is now carrying on active business; that the applicants have been advised that since the dissolution of the Corporation another company has been incorporated with a name similar to that of the Corporation and that pursuant to the provisions of *The Business Corporations Act*, the name "MacLellan Construction Limited" is no longer available to the Corporation; and whereas the applicants hereby apply for special legislation to revive the Corporation and to change its name; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) MacLellan Construction Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved. MacLellan Construction Limited revived

Change of name

(2) The name of the Corporation is hereby changed from "MacLellan Construction Limited" to "P. W. MacLellan Construction Inc.".

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The P. W. MacLellan Construction Inc. Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 24 1978

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
MacLellan Construction Limited as
P. W. MacLellan Construction Inc.

1st Reading

March 30th, 1978

2nd Reading

April 21st, 1978

3rd Reading

April 21st, 1978

Mr. Johnson

1978

BILL Pr15

1 and 1. in Leg. Leg. Sess. 1978

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to dissolve the William Hall Peterborough Protestant Poor Trust

MR. TURNER

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr15 **1978**

An Act to dissolve the William Hall Peterborough Protestant Poor Trust

WHEREAS John A. Nornabell, D. Leighton Ross, James A. Goldie, David M. Watson, R. Dean Baker, Peter B. McKinnon and Earl E. McNabb, all of the City and County of Peterborough, being all of the members of the board of trustees of the William Hall Peterborough Protestant Poor Trust, herein called the Corporation, hereby represent that the Corporation was incorporated by *An Act to incorporate the William Hall Peterborough Protestant Poor Trust*, herein called the Act, being chapter 59 of the Statutes of Ontario, 1877, and that the Act has been amended by *An Act to amend the Act incorporating the William Hall Peterborough Protestant Poor Trust*, being chapter 83 of the Statutes of Ontario, 1880 and by *An Act to amend the Act incorporating the William Hall, Peterborough, Protestant Poor Trust*, being chapter 92 of the Statutes of Ontario, 1888; that the Corporation was incorporated upon the basis of a trust deed entered into by the heirs-at-law and next of kin of William Hall, who in his lifetime expressed his desire that the sum of $30,000 should be settled for the benefit of the Protestant poor of the Town of Peterborough, now the City of Peterborough, to give effect to the wishes of the said William Hall who died intestate; that the Corporation received the said sum of $30,000 which it has invested in accordance with the provisions of the Act, as amended; that the corpus of the trust is now approximately $33,000; that section 13 of the Act provides that "the interest, dividends, and annual produce arising from the investment of the said funds shall be expended by the said board for the benefit of the Protestant Poor who shall be actual and *bona fide* residents of the Town of Peterborough"; that the said members of the board of trustees have found it to be no longer practical for the Corporation to carry out the provisions of the trust as set out in the Act, as amended; that The Peterborough Protestant Home was incorporated by letters patent dated the 15th day of April, 1911 and the name of the said Home was changed to Anson House by Preamble

supplementary letters patent dated the 13th day of April, 1931; that Anson House was incorporated to erect and maintain buildings and equipment for the care of the aged Protestant poor in the City of Peterborough; that the applicants consider it proper that the corpus of the trust should be transferred to Anson House, in trust for the benefit of the present beneficiaries and that each present beneficiary, who is now over the age of sixty-five years of age, may continue to receive aid until he or she no longer requests or requires aid from the trust and that each present beneficiary who is less than sixty-five years of age may continue to receive aid until he or she no longer requests or requires aid from the trust or until he or she attains the age of sixty-five years of age, whichever occurs first; and that, when the last of such beneficiaries no longer requires aid, the corpus of the trust, together with any unexpended income therefrom, should vest in Anson House absolutely; that the Directors of Anson House have agreed to accept the corpus of the trust, in trust as set out herein; and whereas the said members of the board of trustees of the Corporation hereby apply for special legislation to dissolve the Corporation and to transfer the corpus of the trust to Anson House; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Transfer of assets and dissolution of trust

1. The William Hall Peterborough Protestant Poor Trust shall, as soon as conveniently may be after this Act comes into force, transfer the assets forming the corpus of the trust established by a trust deed as set out in *An Act to incorporate the William Hall Peterborough Protestant Poor Trust*, being chapter 59 of the Statutes of Ontario, 1877 and any balance of moneys or other assets remaining in the trust as of the date of transfer to Anson House and on the completion of such transfer the trust created by the said trust deed shall be and is hereby declared to be dissolved and the assets forming the corpus of the trust shall be vested in Anson House in trust, as set out in section 3.

Acknowledgment of transfer

2.—(1) On completion of the transfer of assets referred to in section 1, Anson House shall execute under its corporate seal an acknowledgment that the transfer has been completed and setting forth a list of the assets which it has received.

Dissolution of Corporation

(2) Within thirty days of the completion of the transfer of assets to Anson House, referred to in section 1, the persons named in the Preamble shall cause notice of the com-

pletion of the transfer and a copy of the acknowledgment executed by Anson House to be filed with the Minister of Consumer and Commercial Relations and upon such filing the Corporation shall be and is hereby declared to be dissolved.

3.—(1) Anson House shall hold the assets received by it pursuant to section 1 in trust for the benefit of any persons receiving aid from the Corporation on the day this Act comes into force and Anson House shall pay such share of the income therefrom, as Anson House considers proper, to persons who qualify for aid pursuant to subsection 2 and who are not disqualified from receiving aid under subsection 3 or 4. **Anson House as trustee**

(2) Subject to subsections 3 and 4, a person who is receiving aid from the Corporation on the day this Act comes into force may receive aid from Anson House from the trust referred to in subsection 1 as long as the person, **Eligibility for aid**

(*a*) is an actual and *bona fide* resident of the City of Peterborough;

(*b*) requests aid; and

(*c*) in the opinion of Anson House requires aid.

(3) Where in any year a person no longer satisfies all of the requirements set out in subsection 2, that person shall not qualify for aid in subsequent years. **Idem**

(4) A person who is receiving aid from the Corporation on the day this Act comes into force but who has not attained the age of sixty-five years on that date shall cease to be eligible to receive aid from the trust referred to in subsection 1 on the date of that person's sixty-fifth birthday. **Idem**

(5) Any income from the corpus of the trust not expended by Anson House in accordance with the trust referred to in subsection 1 may be used for the purposes of Anson House. **Income may be used for purposes of Anson House**

(6) When there is no longer any person eligible to receive aid from the trust referred to in subsection 1, the corpus of the trust together with any unexpended income therefrom shall vest in Anson House absolutely. **Funds to vest in Anson House absolutely**

4. Upon the transfer of the assets forming the corpus of the trust to Anson House, the members of the board of trustees of the Corporation shall be discharged from any further duties as such and shall be relieved of any liability incurred by them in respect of any act or thing done or **Discharge of trustees**

omitted to be done by them or any of them in their capacity as members of the board of trustees.

Repeals

5. Upon the dissolution of the Corporation, the following are repealed:

1. *An Act to incorporate the William Hall Peterborough Protestant Poor Trust*, being chapter 59 of the Statutes of Ontario, 1877.

2. *An Act to amend the Act incorporating the William Hall Peterborough Protestant Poor Trust*, being chapter 83 of the Statutes of Ontario, 1880.

3. *An Act to amend the Act incorporating the William Hall, Peterborough, Protestant Poor Trust*, being chapter 92 of the Statutes of Ontario, 1888.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is *The William Hall Peterborough Protestant Poor Trust Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

Frederick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to dissolve the William Hall Peterborough Protestant Poor Trust

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1st Reading

March 30th, 1978

2nd Reading

May 4th, 1978

3rd Reading

May 4th, 1978

MR. TURNER

1978

BILL Pr16

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Hillport Motors Limited

MR. HENNESSY

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr16 **1978**

An Act to revive Hillport Motors Limited

WHEREAS Joseph R. Comuzzi hereby represents that Comuzzi Dodge DeSoto Limited, herein called the Corporation, was incorporated by letters patent dated the 18th day of December, 1957; that by supplementary letters patent, dated the 20th day of November, 1959, the name of the Corporation was changed to R. McDowell Motors Limited; that by supplementary letters patent dated the 27th day of September, 1966, the name of the Corporation was changed to Hillport Motors Limited; that the Minister of Consumer and Commercial Relations by order dated the 5th day of March, 1975, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared it to be dissolved on the 9th day of April, 1975; that the applicant herein was the sole director and majority shareholder of the Corporation at the time of its dissolution; that the notice of default required by subsection 2 of section 251 of *The Business Corporations Act* although sent to the Corporation was not received by the applicant; that the applicant was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation was at the time of its dissolution carrying on active business and active business has continued to be carried on in the name of the Corporation since its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Hillport Motors Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, Hillport Motors Limited revived

rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Hillport Motors Limited Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR May 26 1978

CLERK
LEGISLATIVE ASSEMBLY

1st Reading

April 24th, 1978

2nd Reading

May 23rd, 1978

3rd Reading

May 23rd, 1978

MR. HENNESSY

BILL Pr17 1st reading Leg. Leg. Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the City of Ottawa

MR. ROY

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr17 **1978**

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, hereinafter called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 11 of *The City of Ottawa Act, 1927*, being chapter 119, as re-enacted by subsection 1 of section 1 of *The City of Ottawa Act, 1964*, being chapter 136, is repealed and the following substituted therefor: 1927, c. 119 s. 11, re-enacted

11. Notwithstanding the provisions of section 12 of *The Ottawa Civic Hospital Act*, The Board of Trustees of the Ottawa Civic Hospital is hereby appointed trustee in the place and stead of The Corporation of the City of Ottawa for the purpose of administering certain moneys subscribed by the friends of the late Dr. Henry P. Wright, and The Board of Trustees of the Ottawa Civic Hospital is further empowered to hold and invest such moneys and to disburse the income therefrom annually in payment of scholarships or prizes to be awarded to nurses in training at the Ottawa Civic Hospital, as a memorial to the late Dr. Henry P. Wright, in such form and manner as the trustees of Ottawa Civic Hospital may from time to time direct. Administration of Wright Memorial Trust Fund by The Board of Trustees of the Ottawa Civic Hospital notwithstanding 1919, c. 122

(2) Subsection 2 of section 1 of *The City of Ottawa Act, 1964*, being chapter 136, is repealed. 1964, c. 136, s. 1 (2), repealed

(3) The Corporation of the City of Ottawa is hereby directed and empowered to transfer and convey forthwith to The Board of Trustees of the Ottawa Civic Hospital all moneys, including both principal and interest, now being held by The Corporation of the City of Ottawa and commonly referred to as the Wright Memorial Trust Fund. Transfer of moneys

Temporary closing of highways

2.—(1) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws to regulate and govern the use of a highway under a permit to be issued by the Commissioner of Physical Environment of the Corporation or such other official as is named in the by-law for social, recreational, community or athletic purposes for any period not to exceed twenty-four hours upon such conditions, including a fee for the permit, as may be set out in the by-law and to permit for such period the physical closing of the highway or part of the highway to vehicular traffic, provided local access for residents and emergency vehicles is maintained.

Extension and connecting links of the King's Highway R.S.O. 1970, c. 201

(2) No permit may be issued under subsection 1 for a highway which is designated as an extension or connecting link of the King's Highway under section 19 of *The Public Transportation and Highway Improvement Act*.

Private roadways

3.—(1) The council of the Corporation may pass by-laws,

(*a*) for numbering the buildings and lots or units along private roadways and for affixing numbers to the buildings, and for charging the owner or occupant of the building, lot or unit with the expense incident to the numbering of the building, lot or unit, provided that such expense may be collected in the same manner as taxes, and if paid by the occupant, subject to any agreement between the occupant and the owner, may be deducted from the rent payable to the owner;

(*b*) for keeping, and the council of the Corporation shall keep, a record of the private roadways and of the numbers of the buildings and lots or units, for public inspection;

(*c*) for naming and renaming private roadways and for affixing the names at the corners thereof, and for charging the owner or, in the case of a condominium, the condominium corporation, with the expense incident to the naming and renaming of the private roadway and such expense may be collected in the same manner as taxes;

(*d*) for requiring that the owner of a private roadway or a condominium corporation enter into one or more agreements with the Corporation on such terms and conditions as council considers expedient, including

the provision and maintenance by the owner or the condominium corporation at his or its sole risk and expense and to the satisfaction of the Corporation, respecting any of the matters referred to in clauses *a*, *b* and *c*; and

(*e*) for terminating the agreement referred to in clause *d* on such terms and conditions as the Corporation considers expedient.

Entry of inspectors

(2) Any person appointed by the Corporation to enforce a by-law passed under subsection 1, may enter and inspect the property and affix the numbers and erect the signs, but shall not enter a room or place actually used as a dwelling.

Registration of agreement

(3) Any agreement referred to in clause *d* of subsection 1, may be registered against the land to which it applies, and the municipality is entitled to enforce the provisions thereof against the owner or the condominium corporation and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1970, cc. 409, 234

Idem

(4) Upon the termination of the agreement referred to in clause *d* of subsection 1, a certificate signed by the clerk of the Corporation stating that the agreement has been terminated may be similarly registered.

Assessment of condominium units

(5) For the purposes of clause *c* of subsection 1, where a condominium corporation is charged with an expense incident to the naming or renaming of a private roadway and such expense is collected in the same manner as taxes, the expense shall be apportioned and levied on each unit and common interest on the basis of the assessment of the individual units and the common interest appurtenant to the individual units.

By-laws re surface maintenance operations on laneways

4.—(1) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws authorizing the carrying out of surface maintenance operations, at the expense of the Corporation, on any land shown as a lane on any plan of subdivision registered prior to the 4th day of June, 1920, including the removal of any impediments to the use of the land as a lane as the council deems advisable.

Interpretation

(2) In subsection 1, "surface maintenance operations" means operations to,

(*a*) destroy, cut down, trim or remove any trees which, by reason of being dead or in a state of decay are, in the opinion of the Commissioner of Physical

Environment of the Corporation or his authorized representative, a possible menace to adjacent property or persons;

(*b*) eliminate heavy undergrowth and weeds; or

(*c*) remove rubbish and other debris.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is *The City of Ottawa Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
City of Ottawa

1st Reading

June 1st, 1978

2nd Reading

November 30th, 1978

3rd Reading

November 30th, 1978

Mr. Roy

1978

BILL Pr18 1st rdg. in Leg. Leg. Session

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise The Hamilton Civic Hospitals Act, 1961-62

MR. DAVISON

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr18 **1978**

An Act to revise The Hamilton Civic Hospitals Act, 1961-62

Preamble

WHEREAS the Hamilton Civic Hospitals hereby represents that it was incorporated by a special Act of the Legislative Assembly of the Province of Ontario entitled *The Hamilton Civic Hospitals Act, 1961-62*, being chapter 152, under the name "The Board of Governors of the Hamilton Civic Hospitals"; that by supplementary letters patent dated the 17th day of May, 1977, the name of the corporation was changed to "Hamilton Civic Hospitals"; that *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, gave certain powers to and imposed certain duties on the Regional Council of The Regional Municipality of Hamilton-Wentworth; that the said special Act conflicts with *The Regional Municipality of Hamilton-Wentworth Act, 1973*; that because of the change of the corporate name of the corporation and as a result of the conflict between the said special Act and the public Act it is desirable to revise the said special Act; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "board" means the board of directors of the corporation;

(*b*) "City" means The Corporation of the City of Hamilton;

(*c*) "corporation" means Hamilton Civic Hospitals;

(*d*) "hospitals" means the hospitals owned or acquired by the City or the Region;

(*e*) "Region" means The Regional Municipality of Hamilton-Wentworth;

(*f*) "Regional Council" means the council of The Regional Municipality of Hamilton-Wentworth.

Corporation continued as "Hamilton Civic Hospitals"

2.—(1) The corporation established by section 1 of *The Hamilton Civic Hospitals Act, 1961-62*, being chapter 152, with the corporate name of "The Board of Governors of the Hamilton Civic Hospitals" is continued as a corporation with the corporate name of "Hamilton Civic Hospitals".

Duty to manage, operate and maintain hospitals

(2) The corporation is responsible for the general management, operation and maintenance of the hospitals.

Perpetual succession, corporate seal, etc.

(3) The corporation, under its corporate name, shall have perpetual succession and a corporate seal and under its corporate name may sue and be sued, contract and be contracted with, and acquire and hold personal property or movables for the purposes for which the corporation is constituted.

Composition of corporation

3.—(1) The corporation shall be composed of twenty-four members all of whom shall be members of the board and the corporation shall be composed of,

(*a*) the mayor of the City or an alderman thereof appointed by the mayor to act in his stead for the remainder of the term for which the mayor was elected, the president and vice-president of the Medical Staff and the chairman of the Medical Staff Advisory Committee and the president of the Volunteer Association of Hamilton Civic Hospitals, who shall be members during their term of office;

(*b*) three members of the Regional Council appointed for the term of the Regional Council, but should any member so appointed for any reason cease to be a member of the Regional Council, he shall cease to be a member of the corporation;

(*c*) sixteen members appointed by the Regional Council, of whom eight shall be nominated by the Regional Council and eight shall be nominated by the Hamilton Hospital Associates, all of whom shall be members for a term of four years.

Transition

1961-62, c. 152

(2) Notwithstanding subsection 1, any member of the corporation appointed prior to this section coming into force pursuant to section 2 of *The Hamilton Civic Hospitals*

Act, 1961-62 shall continue as a member of the corporation until the expiry of the term for which such member was appointed.

(3) No actions of the corporation shall be challenged soley on the ground that members of the corporation appointed prior to the coming into force of this Act were not appointed in accordance with *The Hamilton Civic Hospitals Act, 1961-62*. Idem 1961-62, c. 152

4. No member of the Regional Council is eligible to be appointed a member of the corporation under the provisions of clause *c* of subsection 1 of section 3 during his term of office or, in the event that he has for any reason ceased to be a member of the Regional Council, during the unexpired term for which he was elected. Regional Council members not eligible

5. In the case of a vacancy in the membership of the corporation from any cause, other than the expiration of the term for which a member was appointed, the Regional Council shall, as soon as possible, fill the vacancy by appointing in the manner aforesaid a member who shall hold office for the remainder of the term for which his predecessor was appointed. Vacancies

6. Any member of the corporation appointed by the Regional Council is eligible for reappointment upon the expiration of his term of office if he is otherwise qualified. Reappointment

7. The term of office of any or all of the members of the corporation appointed by the Regional Council may be terminated at any time by a majority vote of the members of the Regional Council present and voting. Termination of office

8. Appointments to the corporation under clause *c* of subsection 1 of section 3 shall be made at the first regular meeting of the Regional Council in each year or as soon thereafter as is possible. Time of appointment

9. The board shall appoint a secretary and a treasurer, who shall hold office at the pleasure of the board or for such period as the board may prescribe. Officers

10. The board shall meet at least once every three months. Meetings of board

11. In addition to such standing committees as the board may from time to time determine, the board may elect from among its members an executive committee, consisting of not less than three and not more than seven members, and may delegate to it such powers of the board as the board may by by-law determine from time to time. Executive committee

Quorum

12. No business shall be transacted at any special or general meeting of the board without a quorum and a quorum shall be nine members present and voting.

Payment of disbursements only

13. The members of the board shall serve without remuneration, but each member shall be entitled to receive his actual disbursements for expenses incurred for any services rendered by him at the direction of the board.

Powers of board
R.S.O. 1970, c. 378
1972, c. 91
1961-62, c. 152

14. Subject to *The Public Hospitals Act* and *The Health Insurance Act, 1972*, the board may exercise all the powers formerly exercised by the Board of Governors under *The Hamilton Civic Hospitals Act, 1961-62*, prior to the day this Act comes into force, including, but without limiting the generality of the foregoing, the power,

(*a*) to enact by-laws for the general management, operation and maintenance of the hospitals;

(*b*) to appoint and to suspend or remove such employees as may be deemed necessary for the general management, operation and maintenance of the hospitals, and to fix their remuneration and prescribe their duties and working conditions;

(*c*) to provide pensions, to establish a plan of sick leave credit gratuities, and to provide group life insurance for such employees or any class thereof, as the board may determine, and to provide group accident insurance and group sickness insurance and hospital, medical, surgical, nursing or dental services, or payment thereof, for such employees or any class thereof and their spouses, as defined in clause *b* of section 14 of *The Family Law Reform Act, 1978*, and any child, as defined in clause *a* of section 1 of the said Act, of such employees and to contribute toward the cost thereof, and toward the cost to such employees of the plan for hospital care insurance provided under *The Health Insurance Act, 1972*;

1978, c. 2

(*d*) subject to *The Health Insurance Act, 1972* and the regulations thereunder, to fix the fees to be charged patients for accommodation in and services rendered at the hospitals;

(*e*) to plan, contract for and supervise the erection, equipping and furnishing of additional hospitals and the alteration or enlargement of existing hospitals to the extent of any funds available from any source for such purposes; and

(*f*) to invest from time to time any funds authorized by the board.

15. All real property hereafter acquired by the corporation pursuant to *The Public Hospitals Act* or otherwise, shall be vested in the city and, notwithstanding any other provision of this Act, the corporation has no power to sell, lease, mortgage or otherwise dispose of any land, buildings or fixtures owned by the City. Real property R.S.O. 1970, c. 378

16.—(1) All personal property employed by the City in the operation of the hospitals on the 30th day of June, 1962, including furniture, equipment, supplies, accounts receivable and cash on hand, together with all personal property acquired by the corporation on or before the 31st day of December, 1973, is vested in the corporation in trust for the City and all personal property acquired since that date, where purchased from funds provided by the Region, is vested in the corporation in trust for the Region. Personal property

(2) The corporation shall, Corporation responsible for liabilities of hospitals

(*a*) assume responsibility for the payment of all liabilities in respect of the general management, operation and maintenance of the hospitals; and

(*b*) obtain the approval of the Regional Council before authorizing any expenditure not wholly recoverable from the Ministry of Health for Ontario.

(3) This Act does not affect any collective agreement, as defined in *The Labour Relations Act*, between the corporation and any trade union or any right, privilege or duty of the corporation, its employees or any trade union under the said Act. Labour relations R.S.O. 1970, c. 232

17. The auditors of the Region shall be the auditors of the corporation and all books, documents, transactions and accounts of the corporation shall be at all times open for the inspection of the treasurer and the auditors of the Region. Auditors

18. In addition to the powers now conferred by *The Regional Municipality of Hamilton-Wentworth Act, 1973* to pass by-laws for granting aid to public hospitals, the Region may from time to time, Powers of Region 1973, c. 74

(*a*) make grants to the corporation for its purposes; and

(*b*) make temporary loans to the corporation of any money that, in the opinion of the treasurer of the

Region may be required by the corporation for the current operating expenses of the corporation, and may prescribe the interest chargeable therefor, the time for repayment thereof and the security to be given for any such loan.

Region responsible for operating deficit

19.—(1) The Region shall be responsible for the operating deficit, if any, incurred by the corporation during the preceding fiscal year according to the financial statements reported upon by the auditors of the Region, and shall pay over to the corporation the amount of any such operating deficit no later than the end of six months following the end of the fiscal year of the corporation in which such operating deficit was incurred.

Idem

(2) In determining whether or not an operating deficit has been incurred by the corporation within the meaning of subsection 1, the amount of the settlement of any claim, account or demand made upon the corporation and the amount of any final judgment obtained against the corporation, to the extent that such settlement or judgment is not recoverable from an insurer of the corporation, shall be paid by the corporation and charged against the operating revenues of the corporation.

Annual report

20. The corporation shall submit to the Regional Council an annual report on the business affairs of the corporation for the preceding year in a form acceptable to the Regional Council.

Gifts to hospitals

21. All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person in a deed or will, to be made over, given or conveyed to the City Hospital of Hamilton, now known as Hamilton General Hospital, the Mount Hamilton Hospital, the Nora-Frances Henderson Hospital or Hamilton Civic Hospitals, shall, in so far as the same shall not have vested in possession or been carried into effect at the date of the coming into force of this Act, in the absence of an expressed intention to the contrary set out in such deed or will, be construed as though the same had been expressed to be made, in the case of personal property, to the corporation and, in the case of real property, to the City for the purposes of the corporation, under this Act, and the executor, trustee, or other person or corporation charged with the duty of carrying into effect or administering such deed or will shall pay over or transfer all such personal property to the corporation and shall convey all such real property to the City, and the receipt of the corporation or the City, as the case may be, shall be a sufficient discharge therefor.

22. The corporation may recover from a patient, other than a person insured by *The Health Insurance Act, 1972*, the charges fixed by the Ministry of Health for Ontario and the corporation, or either of them, for services rendered at the hospitals to such patient. Recovery of charges 1972, c. 91

23. Any payment made by the Region of an account to it by the corporation for treatment of a patient or the payment by the Region of any expenses of burial of a deceased patient shall be deemed to be a payment for which the Region is entitled to exercise the right of recourse from the patient or, in the event of his decease, from his estate or personal representatives or, in the case of a dependant, from any person liable in law with respect to such dependant, conferred upon municipalities by *The Public Hospitals Act*. Right of recourse R.S.O. 1970, c. 378

24. The corporation shall at all times cause to be insured all personal property vested in the corporation in trust for the City and the Region, and such insurance shall include public liability and indemnity insurance in connection with all phases of the general management, operation and maintenance of the hospitals, except only such items of liability as may be covered by *The Workmen's Compensation Act*. Insurance R.S.O. 1970, c. 505

25. All claims, accounts and demands arising from or relating to the management, operation or maintenance of the hospitals or from the exercise of any of the powers of the board shall be made upon and brought against the corporation and not upon or against the City or the Region. Claims

26. The lands, buildings and fixtures now owned by the City for hospital purposes shall continue to be vested in the City until the same or any portions thereof are sold or otherwise disposed of by the City, and the City may continue to acquire and hold lands, buildings and fixtures for hospital purposes and sell or otherwise dispose of the same or any portions thereof when no longer required for such purposes. Property owned by City

27. *The Hamilton Civic Hospitals Act, 1961-62*, being chapter 152, is repealed. Repeal

28. This Act comes into force on the day it receives Royal Assent. Commencement

29. The short title of this Act is *The Hamilton Civic Hospitals Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23 1978

Frederick Lewis

CLERK

An Act to revise
The Hamilton Civic Hospitals
Act, 1961-62

1st Reading

May 25th, 1978

2nd Reading

June 22nd, 1978

3rd Reading

June 22nd, 1978

MR. DAVISON

1978

BILL Pr19 1st rd. in Leg. Leg. Ass. Ont.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the City of Hamilton

MR. DEANS

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr19 **1978**

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton, herein called the Corporation, represents that Lakeland Beach Swimming Pools Limited is the owner and operator of Lakeland Beach Swimming Pool and occupies lands owned by the Corporation under a licence of occupation dated the 1st day of February, 1961; that it is desirable to cancel arrears of licence fees payable under the said licence of occupation for part of the year 1974 and for the years 1975 to 1977 inclusive and for the year 1978; and whereas the Corporation hereby applies for special legislation to cancel the said licence fees; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may pass by-laws authorizing the Corporation to cancel licence of occupation fees payable under the aforesaid licence of occupation by Lakeland Beach Swimming Pools Limited to the Corporation, Council may pass by-laws cancelling licence of occupation fees

(*a*) for part of the year 1974 and for the years 1975 to 1977 inclusive, not exceeding $20,500; and

(*b*) for the year 1978 in the amount of $6,000.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The City of Hamilton Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 9 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
City of Hamilton

1st Reading

June 8th, 1978

2nd Reading

November 7th, 1978

3rd Reading

November 7th, 1978

MR. DEANS

1978

BILL Pr20

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the Township of Tilbury West

MR. RUSTON

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr20 **1978**

An Act respecting the Township of Tilbury West

WHEREAS The Corporation of the Township of Tilbury West, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Drainage Act, 1975* and section 65 of *The Ontario Municipal Board Act*, By-law 1451-8-76 of the Corporation, set forth in the Schedule hereto, passed by the council of the Corporation on the 21st day of March, 1977 providing for drainage works to be known as the "Robb-Dales Drain" in the townships of Tilbury West, Tilbury North and Mersea as initiated by the Township of Tilbury West in accordance with a drainage engineer's report dated the 14th day of July, 1976, as set out in the said By-law, and for borrowing on the credit of the Corporation the sum of $25,774 is hereby approved and declared to be valid, in full force and effect and binding upon the Corporation and its respective ratepayers in accordance with the provisions thereof. By-law 1451-8-76 validated 1975, c. 79 R.S.O. 1970, c. 323

2. Sections 55, 56, 57, 58, 59 and 60 of *The Ontario Municipal Board Act* apply in respect of a By-law passed under section 1. Application of R.S.O. 1970, c. 323, ss. 55-60

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the construction mentioned in section 1 and authorizing the Corporation to borrow the moneys mentioned in the said section. Order of O.M.B. deemed issued

4. This Act comes into force on the day it receives Royal Assent. Commencement

ASSENTED TO BY LIEUTENANT-GOVERNOR May 26 1978

Roderick Lewis

Short title

5. The short title of this Act is *The Township of Tilbury West Act, 1978.*

SCHEDULE

TOWNSHIP OF TILBURY WEST

BY-LAW NUMBER 1451-8-76

A By-law to provide for the drainage works in the Townships of Tilbury West, Tilbury North and Mersea as initiated by the Township of Tilbury West in the County of Essex, and for the borrowing on the credit of the municipality, the sum of $25,774.00

WHEREAS the requisite number of owners, as shown on the last revised assessment rolls, of the property hereinafter set forth on the Engineer's Report attached hereto and forming part of this By-law, as the properties requiring such drainage, have petitioned the Council of the Township of Tilbury West, praying that the following lands and roads may be drained by a drainage works.

WHEREAS the Council has procured a report made by C. G. Russell Armstrong, P.Eng., and the report is as follows:

ROBB-DALES DRAIN

WINDSOR, Ontario, July 14, 1976.

To:- The Reeve and Municipal Council

of the TOWNSHIP OF TILBURY WEST

Gentlemen:-

As instructed by you, we have made an examination, survey, etc., of the ROBB-DALES DRAIN, in your Township, and in the Township of Tilbury North, and now report thereon as follows:-

We commenced our survey of this drain at the Northerly end of the highway culvert crossing the Townline Road between the Townships of Mersea and Tilbury West. Thence we followed the course of the drain downstream to Station 214+50 at its outlet in the East Branch of Big Creek Drain.

We find that this drain is badly filled with run-ins and with a heavy growth of brush and small trees and is inadequate to properly retain and carry away the waters draining thereto from the lands and roads affected.

We would, therefore, recommend that this portion of the drain be cleaned out and improved in accordance with the accompanying profile and specifications.

We further find that each of the following owners is entitled to and should receive the following amounts as compensation for damages to lands and crops (if any):-

1.	Edward Allen, owner of Pt. Lot 15, Con 7 ----------	$ 90.00
2.	James Pearson, owner of Pt. S½ Lot 15, Con. 7 -------	$ 600.00
3.	Bedford Coulter, owner of NE¼ Lot 15, Con. 8 --------	$ 705.00
4.	Art & Ralph Brooker, owner of SE¼ Lot 15, Con. 8 ----	$ 672.00
5.	Kenneth Mailloux, owner of N½ Lot 15, Con. 9 --------	$ 672.00
	Carried forward ----------	$ 2,739.00

Brought Forward ----------	$2,739.00
6. Harold Strang, owner of SE¼ Lot 15, Con. 9---------	672.00
7. Eileen Desimpel, owner of W½ S½ Lot 16, Con. 10----	408.00
8. Eugene Brosseau, owner of E½ S½ Lot 16, Con. 10----	347.00
9. Mrs. E. Durocher, owner of N½ Lot 16, Con. 10 -----	854.00
10. Raymond Reid, owner of N½ Lot 16, Con. 11 ---------	690.00
11. John & Jacob Brown, owners of S½ Lot 16, Con. 11---	710.00
TOTAL	$6,420.00

We have provided for these in our estimate, as is provided for under Section 16, of the Drainage Act, 1975.

Our estimate of the total cost of this work, including all incidental expenses, is the sum of $25,774.00, made up as follows:-

Excavation from Sta. 0 to Sta. 214+50 = 21,450 ft.------		$13,087.00
Brushing and Grubbing ----------		1,210.00
Damages to lands and crops (if any) ----------		6,420.00
Total for Construction, Damages, etc.--------		$20,717.00
Inspections, surveys, assistance and expenses ----------	$1,497.00	
Plans, estimates, report and assessments ----------	1,825.00	
Publishing By-Law in Tilbury West------	200.00	
O.M.B. Fee in Tilbury West ----------	25.00	
Serving copy of report on Township of Mersea ----------	30.00	
Publishing By-Law in Mersea Township---	200.00	
O.M.B. fee in Mersea Township ---------	25.00	
Serving copy of report on Township of Tilbury North ----------	30.00	
Carried Forward	$3,832.00	$20,717.00

Brought Forward	$3,832.00	$20,717.00
Publishing By-Law in Tilbury North Township ----------	100.00	
O.M.B. fee in Tilbury North Township --	25.00	
Letting and Superintending and Engineer on final inspection and issuing Certificate of Completion ----------	1,100.00	
Total for Incidentals ----------		5,057.00
TOTAL ESTIMATE		$25,774.00

Of this amount we have assessed the lands in the Township of Mersea which are benefited by or use this drain as an outlet with the sum of $11,027.00 and the Township of Mersea for roads with the sum of $715.00, thus making the total assessment on the Township of Mersea, the sum of $11,742.00, as is more fully set forth in the Schedule of Assessment hereto attached.

We have assessed the lands in the Township of Tilbury West which are benefited by or use this drain as an outlet with the sum of $11,365.00 and the Township of Tilbury West for roads with the sum of $1,006.00, thus making the total assessment on the Township of Tilbury West the sum of $12,371.00, as is more fully set forth in the Schedule of Assessment hereto attached.

We have assessed the lands in the Township of Tilbury North which are benefited by or use the said drain as an outlet with the sum of $1,540.00 and the Township of Tilbury North for roads with the sum of $121.00, thus making the total assessment on the Township of Tilbury North the sum of $1,661.00 as is more fully set forth in the Schedule of Assessment hereto attached.

We would further recommend that this drainage work be kept up and maintained at the expense of the lands and roads

herein assessed for its repair and improvement and in the proportions herein contained until otherwise determined under the provisions of the Drainage Act, 1975.

All of which is respectfully submitted.

C.G.RUSSELL ARMSTRONG LIMITED
Drainage Engineers

per Maurice Armstrong
Maurice Armstrong P.Eng.

MA/a

SCHEDULE OF ASSESSMENT

RCBB-DALES DRAIN

TOWNSHIP OF TILBURY WEST

Con. or R.P.	Lot or Part of Lot	Area in Acres	Owner's Names	Acres Afft'd	Value of Benefit	Value of Outlet Liability	Total Value of Improv't
7	Pt. 15	2	Edward Allen	2	$ 38.00	$ 2.00	$ 40.00
7	Pt. S½ 15	98	James Pearson	65	155.00	77.00	232.00
8	N½ 13	100	Pearl Hillman	12	-	15.00	15.00
8	SE 1/3 W 3/4 14	49	J. Alfred Wright	49	-	67.00	67.00
8	Pt. 14	98	Robert Wright	98	-	131.00	131.00
8	E¼ 14	50	Pearson Bros.	50	-	68.00	68.00
8	W½ 15	100	Wm. Pearson	100	-	180.00	180.00
8	NE¼ 15	50	Bedford Coulter	50	175.00	75.00	250.00
8	SE¼ 15	50	Art & Ralph Brooker	50	175.00	95.00	270.00
9	N½ 13	100	Glen Mellow	25	-	67.00	67.00
9	14	200	Kieran, Joseph, Byrne, James	200	-	531.00	531.00
9	N½ 15	100	Kenneth Mailloux	100	156.00	265.00	421.00
9	SW¼ 15	50	Melvin Newsted	50	50.00	142.00	192.00
9	SE¼ 15	50	Harold Strang	50	175.00	142.00	317.00
10	W½N½ 14	50	Eugene Sylvestre	50	-	166.00	166.00
10	E½N½ 14	50	Melvin Newsted	50	-	166.00	166.00
10	Pt.N½ 15	75	Arnold Shilson	75	194.00	248.00	442.00
10	W½S½ & SE¼ N½ 15	75	Mike Cincurak	75	50.00	272.00	322.00
10	E½S½ 15	50	Roy Waites	50	-	196.00	196.00
10	W½S½ 16	50	Eileen Desimpel	50	194.00	222.00	416.00
10	E½S½ 16	50	Eugene Brosseau	50	194.00	222.00	416.00
10	N½ 16	100	Mrs. E. Durocher	100	310.00	332.00	642.00
10	W½S½ 17	50	Clifford Graham	40	-	177.00	177.00
10	E½S½ 17	50	Leo Benoit	35	-	157.00	157.00

Schedule of Assessment
Robb-Dales Drain
Township of Tilbury West

Con. or R.P.	Lot or Part of Lot	Area in Acres	Owner's Names	Acres Afft'd	Value of Benefit	Value of Outlet Liability	Total Value of Improv't
11	E½ 14	102	Wm. & Walter Vandenburg	102	$ -	$ 522.00	$ 522.00
11	W½ 15	100	Donald Whittal	100	-	512.00	512.00
11	E½ 15	100	Fred Forrest	100	$78.00	512.00	590.00
11	N½ 16	100	Raymond Reid	100	350.00	512.00	862.00
11	S½ 16	100	John & Jacob Brown	100	350.00	531.00	881.00
11	E½N½ 17	50	Leonard Marentette	50	-	256.00	256.00
11	W½N½ 17	50	Leonard Marentette	50	-	256.00	256.00
11	S½ 17	100	Dean Pickle	100	50.00	531.00	581.00
11	18 & W½ 19	307	Charles Elliott	200	-	1024.00	1,024.00
			TOTAL ON LANDS		$2694.00	$8671.00	$11,365.00
8th Concession Road					$ 100.00	$ 26.00	$ 126.00
9th Concession Road					100.00	50.00	150.00
10th Concession Road					100.00	79.00	179.00
11th Concession Road					155.00	184.00	339.00
½ Tilbury West - Mersea Townline Road					50.00	162.00	212.00
			TOTAL ON ROADS		$505.00	$501.00	$1,006.00
Total on lands (brought down)					2694.00	8671.00	11,365.00
TOTAL ASSESSMENT - TILBURY WEST					$3199.00	$9172.00	$12,371.00
TOWNSHIP OF MERSEA							
11	W½ 19	84	John E. Taylor	84	-	$452.00	$452.00
11	E½ 19	83.5	Mary G. Goslin	83.5	-	449.00	449.00
11	20	167	Roy Whittal	167	-	898.00	898.00
11	W½ 21	84	Russell McKeen	84	-	452.00	452.00
11	E½ 21, & NW¼ 22	126	Willis Dales	126	-	678.00	678.00
11	SW Cor. 22	132'x 330'	Marguerite Lougheed	1	-	6.00	6.00

Schedule of Assessment
Robb-Dales Drain
Township of Tilbury West

Con. or R.P.	Lot or Part of Lot	Area in Acres	Owner's Names	Acres Afft'd	Value of Benefit	Value of Outlet Liability	Total Value of Improv't
11	Pt.S½ & NE ¼ 22	125	Francis Gregory Est.	125	-	$672.00	$ 672.00
11	N½ 23	84	Wayne Beattie	84	-	452.00	452.00
11	W.Pt.S½23	30	Harold Graham	30	-	161.00	161.00
11	E.Pt.S½23	54	Gerald Watson	54	-	290.00	290.00
11	N.Pt.24	89	Wayne Beattie	89	-	479.00	479.00
11	S.Pt.24	95	Donald Rivait	95	-	511.00	511.00
10	N½ 19	100	Louis Coffey	100	-	538.00	538.00
10	Pt.SW¼ 19	50	Ruth Imeson	25	-	134.00	134.00
10	SE¼ 19	50	Kenneth Beattie	50	-	269.00	269.00
10	Pt.NW¼ 20	90'x 240'	Howard Walker	½	-	5.00	5.00
10	Pt.NW¼ 20	50	Harry Walker	50	-	269.00	269.00
10	W½NE¼ 20	25	Murray Walker	25	-	134.00	134.00
10	NE 1/8 20	25	Allan G. Buchanan	25	-	134.00	134.00
10	S½ 20	100	Riel Imeson	100	-	538.00	538.00
10	SW¼ 21	50	Harold M. Pearce	50	-	269.00	269.00
10	NW¼ 21	50	Webster Buchanan	50	-	269.00	269.00
10	NE¼ 21	50	John P. Schroeder	50	-	269.00	269.00
10	W½SE¼ 21	25	William Gillanders	25	-	134.00	134.00
10	S^{E} 1/8 21	25	Donald Reid	25	-	134.00	134.00
10	NW¼ 22	50	Gerald Walker	50	-	269.00	269.00
10	NE¼ 22	50	Thomas Imeson	50	-	269.00	269.00
10	SW¼ 22	50	Frank Thompson	50	-	269.00	269.00
10	SE¼ 22	50	Gerald T. Imeson	50	-	269.00	269.00
10	NW¼ E½ SW¼ 23	75	Harold Graham	75	-	403.00	403.00
10	NE¼ 23	50	Burton Kirk Graham	50	-	269.00	269.00
10	SW 1/8 23	25	Gerald Imeson	25	-	134.00	134.00

Schedule of Assessment
Robb-Dales Drain
Township of Tilbury West

Con. or R.P.	Lot or Part of Lot	Area in Acres	Owner's Names	Acres Afft'd	Value of Benefit	Value of Outlet Liability	Total Value of Improv't
10	SE¼ 23	50	Kenneth Thompson	50	-	$ 269.00	$ 269.00
10	Pt.S½N½ 24	79	Kirk Burton Graham	33	-	178.00	178.00
10	N.Pt. 24	45	Floyd Graham	19	-	102.00	102.00
			TOTAL ON LANDS		-	$11,027.00	$11,027.00
½ Tilbury West - Mersea Townline Road					$50.00	$ 162.00	$ 212.00
Road between Concessions 10 and 11					-	300.00	300.00
Road between Concessions 9 and 10					-	128.00	128.00
Road between Lots 18 and 19					-	75.00	75.00
			TOTAL ON ROADS		$50.00	$665.00	$ 715.00
Total on lands (brought down)					-	$11,027.00	$11,027.00
TOTAL ASSESSMENT - MERSEA TOWNSHIP					$50.00	$11,692.00	$11,742.00
TOWNSHIP OF TILBURY NORTH							
7	SW¼ 16		Philip Feltmate	50	$20.00	-	$ 20.00
8	W½N½ 16		James Coulter	25	97.00	$38.00	135.00
8	SW¼ 16		Arthur & Ralph Brooker	50	175.00	95.00	270.00
8	E 3/4 N½ 16		Ralph Brooker	75	135.00	114.00	249.00
8	SE¼ 16		Emma Duplessie	50	-	95.00	95.00
9	NW¼ 16		Ken Mailloux	50	116.00	132.00	248.00
9	Pt.NW¼ 16		Leo T. Masse	½	5.00	2.00	7.00
9	S½ 16		Clarence Benoit	100	232.00	284.00	516.00
			TOTAL ON LANDS		$780.00	$760.00	$1,540.00
8th Concession Road					$ 43.00	$ 10.00	$ 53.00
9th Concession Road					50.00	18.00	68.00
			TOTAL ON ROADS		$93.00	$28.00	$ 121.00
Total on Lands (brought down)					780.00	760.00	1,540.00
TOTAL ASSESSMENT - TILBURY NORTH					$873.00	$788.00	$1,661.00

Schedule of Assessment
Robb-Dales Drain
Township of Tilbury West

Con. or R.P.	Lot or Part of Lot	Area in Acres	Owner's Names	Acres Afft'd	Value of Benefit	Value of Outlet Liability	Total Value of Improv't

S U M M A R Y

Total Assessment in Tilbury West	$12,371.00
Total Assessment in Mersea	11,742.00
Total Assessment in Tilbury North	1,661.00
TOTAL ASSESSMENT	$25,774.00

WINDSOR, Ontario.
July 14, 1976.

C.G.RUSSELL ARMSTRONG LIMITED
Drainage Engineers

per Maurice Armstrong
Maurice Armstrong P.Eng.

MA/a

SPECIFICATIONS for the Repair and Improvement of the ROBB-DALES DRAIN, in the TOWNSHIP OF TILBURY WEST and the TOWNSHIP OF TILBURY NORTH

The drain shall follow the course of the present drain from the Northerly end of the highway culvert crossing the Townline Road between the Townships of Mersea and Tilbury West Northerly to Station 214+50 to its outlet in the East Branch of Big Creek, in the Township of Tilbury North. It shall be of the form, size, depth, etc., as shown on the accompanying profile. The depths are to the bottom of the finished drain and are to be taken from the surface of the ground beside the stakes. It shall have a uniform and even bottom and in no case shall such bottom project above the grade line shown on the profile as determined from the bench marks.

The elevations on the present bottom of the drain are taken in the centre of the channel and the Contractor shall exercise care in cleaning the drain to the proper width centering the alignment in the drain and will excavate on that side of the bends that will tend to straighten the course of the drain.

The drain shall have uniform and even side slopes of not less than 1½' horizontal to 1' vertical on each side.

From Station 212+60 to the outlet, the Contractor will just square up the bottom width of the drain. The Contractor shall cast the earth from the upper portion of the drain to the Southerly side of the 10th Concession Road on to the adjoining lands to the East and from the 10th Concession Road to the outlet, he shall cast the excavated earth on to the adjoining lands to the West and in each and every case, the said earth shall be well and evenly spread over a sufficient space so that no portion of the excavated earth is more than 10" in depth and kept at least

5' clear from the ~~westerly~~ top edge of the finished drain, care being taken not to fill up any existing ditches or furrows with the excavated material.

He shall exercise extreme care so as not to fill in any surface drains entering the main drain and shall also clean out the ends of all outlets of all covered drains entering the main drain.

Where the drain passes beside any house, lawn, garden or driveway, the Contractor is required to haul away the excavation from this portion of the drain and to spread it on the adjoining lands to the South.

Where there is any brush or rubbish in the course of the drain, including both side slopes of the drain, and on each top edge of the drain from its upper end to Station 212+60, the Contractor shall grub out all brush and rubbish in the bottom of the drain and close cut all remaining brush and rubbish, including small trees, level with the side slopes of the drain and level with the ground on each top edge of the drain and either burn or otherwise dispose of same to the satisfaction of the Commissioner in charge.

From Station 212+60 to Station 214, the Contractor shall clean out all brush and rubbish from the course of the drain, including both side slopes and on the top West edge of the drain and from Station 214 to the outlet, the Contractor will only be required to clean out all brush and rubbish from the bottom width of the drain and on both side slopes of the drain and dispose of same as hereinbefore specified.

Where the drain crosses any Concession Road, the earth shall be taken for half the width of the road in a North and South direction and shall be cast and spread on to the adjoining lands as hereinbefore specified.

The whole of the work shall be done in a neat, thorough and workmanlike manner, to the full satisfaction of the Commissioner in charge.

Progress orders for payment will be furnished to the Contractor by the Commissioner in charge. Said orders shall be not more than 85% of the value of the work done and materials furnished on the ground but the paying of the full 85% does not imply that any portion of the work has been accepted. The remaining 15% will be paid thirty-seven (37) days after the final completion and acceptance of the work.

WINDSOR, Ontario.
July 14, 1976.

C.G.RUSSELL ARMSTRONG LIMITED
Drainage Engineers

per Maurice Armstrong
Maurice Armstrong P.Eng.

MA/a

Township of Tilbury West
By-law No. 1451-8-76
Robb-Dales Drain

AND WHEREAS the Council is of the opinion that the drainage works of the area is desirable;

THEREFORE the Council of theTownship ofTilbury West pursuant to the Drainage Act, 1975, enacts as follows:

1. The report is hereby adopted, and the drainage work as therein described and indicated and set forth are hereby authorized and shall be completed in accordance therewith.

2. The Corporation of the Township of Tilbury West may borrow on the credit of the Corporation of the Township of Tilbury West the sum of $25,774.00, being the funds necessary for the drainage works not otherwise provided for; provided that such sum shall be reduced by the amount of grants and commuted with respect to lands assessed, and may issue debentures of the Corporation to that amount in sums of not less than $50.00 each, and payable within 5 years from the date of such debentures, with interest at the current rate; and such debentures to be payable at the Royal Bank of Canada, Comber, Ontario, and to have attached to them coupons for the payment of interest.

3. For the paying of the sum of $11,325.00, the sum charged against the agricultural lands for benefit and for outlet liability, apart from the roads belonging to or controlled by the Ministry of Transportation and Communications, Ontario, and roads belonging to or controlled by the municipality, and for the covering interest thereon for 5 years, at the current rate, the following total specified rate, over and above all other rates, shall be assessed, levied and collected (in the same manner and at the same time asoother taxes are levied and collected) upon and from the undermentioned parcels of land, and the amount of the total special rates and interest against each parcel or part of parcel respectively, shall be divided into 5 equal parts and one such part shall be assessed, levied and collected as aforesaid in each year for 5 years, after the passing of this By-law, during which the debentures have to run, provided that no greater amount shall be levied than is required after taking into account and crediting the amount ofgrants under Sub-Section (a) (b) & (c) of Section 85 of the Drainage Act, 1975, amount of moneys paid under a By-law passed under Sub-Section 1 of Section 78 of that act, and commuted payments with respect to lands and roads assessed.

4. That this By-law including the Notice of sitting of the Court of Revision and the Notice as to proceedings to quash be served according to Section 41 of the Drainage Act, 1975, and be cited and referred to as ROBB-DALES DRAIN, By-law No. 1451-8-76 and shall come into force and effect from and after the final passing thereof.

READ a first time this 7th day of September, 1976.

READ a second time this 7th day of September, 1976.

READ a third time and finally passed on this 21st day of March, ~~xxxxx~~ 1977

Percy Trepanier (Signed)
Percy Trepanier Reeve

D. H. McMillan (Signed)
D. H. McMillan Clerk

TOWNSHIP OF TILBURY WEST

SCHEDULE OF ASSESSMENT

ROBB-DALES DRAIN

Con.	Lot Pt of Lot	Owner's Name	Assessment by Engineer	Subsidies	Balance
7	Pt 15	Edward Allen	40.00	13.33	26.67
"	Pt S½ 15	James Pearson	232.00	77.33	154.67
8	N½ 13	Pearl Hillman	15.00	5.00	10.00
"	SE¼W3/4 14	J Alfred Wright	67.00	22.33	44.67
"	Pt 14	Robert Wright	131.00	43.67	87.33
"	E¼ 14	Pearson Brothers	68.00	22.67	45.33
"	W½ 15	Wm Pearson	180.00	60.00	120.00
"	NE¼ 15	Bedford Coulter	250.00	83.33	166.67
"	SE¼ 15	A & R Brooker	270.00	90.00	180.00
9	N½ 13	Glen Mellow	67.00	22.33	44.67
"	14	J J & K Byrne	531.00	177.00	354.00
"	N½ 15	K Mailloux	421.00	140.33	280.67
"	SW¼ 15	M Newsted Est	192.00	64.00	128.00
"	SE¼ 15	H Strang	317.00	105.67	211.33
10	W½N½ 14	Eugene Sylvestre	166.00	55.33	110.67
"	E½N½ 14	M Newsted Est	166.00	55.33	110.67
"	Pt N½ 15	Arnold Shilson	442.00	147.33	294.67
"	W½S½&SE¼ N½ 15	M Cincurak	322.00	107.33	214.67
"	E½S½ 15	Roy Waites	196.00	65.33	130.67
"	W½S½ 16	Eileen Desimpel	416.00	138.67	277.33
"	E½ S½ 16	Eugene Brosseau	416.00	138.67	277.33
"	N½ 16	Mrs. E Durocher	642.00	214.00	428.00
"	W½S½ 17	Clifford Graham	177.00	59.00	118.00
"	E½S½ 17	Leo Benoit	157.00	52.33	104.67
11	E½ 14	W & W Vandenburg	522.00	174.00	348.00
"	W½ 15	Donald Whittal	512.00	170.66	341.34
"	E½ 15	Fred Forrest	590.00	197.00	393.00
"	N½ 16	Raymond Reid	862.00	287.33	574.67
"	S½ 16	J & J Brown	881.00	293.67	587.33
"	E½N½ 17	Leonard Marentette	256.00	85.33	170.67
"	W½N½ 17	Leonard Marentette	256.00	85.33	170.67
"	S½ 17	Dean Pickle	581.00	193.67	387.33
"	18 & W½ 19	Charles Elliott	1024.00	341.33	682.67
		TOTAL ON LANDS:	11365.00	3788.63	7576.37
	8th Concession Road		126.00		126.00
	9th Concession Road		150.00		150.00
	10th Concession Road		179.00		179.00
	11th Concession Road		339.00		339.00
	½ Til West - Mersea Townline		212.00		212.00
		TOTAL ON ROADS	1006.00		1006.00
		TOTAL ON LANDS (brought down)	11365.00	3788.63	7576.37
		TOTAL ASSESSMENT:	12371.00	3788.63	8582.37

An Act respecting the
Township of Tilbury West

1st Reading

April 24th, 1978

2nd Reading

May 23rd, 1978

3rd Reading

May 23rd, 1978

Mr. Ruston

Pauline G. G. S. Hon

BILL Pr21

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the City of Cornwall

MR. SAMIS

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr21 **1978**

An Act respecting the City of Cornwall

WHEREAS The Corporation of the City of Cornwall hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Commission" means The City of Cornwall Pedestrian Mall Commission;

(*b*) "Corporation" means The Corporation of the City of Cornwall;

(*c*) "council" means the council of the Corporation.

2. Where council has passed a by-law pursuant to paragraph 110 of subsection 1 of section 354 of *The Municipal Act* and subject to the approval of the Ontario Municipal Board, the costs of establishing, operating and maintaining a pedestrian promenade in the City of Cornwall shall be apportioned between the Corporation and the owners of property abutting on a pedestrian promenade as the council may prescribe and the owners' portion of the cost shall be specially assessed upon the lots abutting directly on a pedestrian promenade and the provisions of *The Local Improvement Act* apply thereto, with necessary modifications. Pedestrian promenades, apportionment of costs R.S.O. 1970, c. 284 R.S.O. 1970, c. 255

3.—(1) The corporation known as "The City of Cornwall Pedestrian Mall Commission" incorporated by letters patent dated the 19th day of December, 1977 under *The Corporations Act*, is hereby continued as a body corporate with the objects set out in the said letters patent. The City of Cornwall Pedestrian Mall Commission continued R.S.O. 1970, c. 89

(2) The Commission shall consist of, Membership

(*a*) one member of council; and

(*b*) four members qualified for election to council who are not members of council,

appointed by the council and the members of the Commission shall be its directors.

Term of office

(3) The member of the Commission who is a member of council shall hold office until the expiration of the term of the council that appointed the member.

Idem

(4) The members of the Commission who are not members of council shall hold office as follows:

1. Two first members for a term expiring on the 30th day of November, 1978.

2. One first member for a term expiring on the 30th day of November, 1979.

3. One first member for a term expiring on the 30th day of November, 1980.

4. Members appointed after the expiration of the terms of the first members shall be appointed for a term of three years.

Reappointment and vacancies

(5) Members of the Commission shall hold office until their successors are appointed and be eligible for reappointment, and, where a person ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired term of the person who has ceased to be a member.

Remuneration of directors

(6) A by-law passed by the directors of the Commission respecting the remuneration of the directors shall take effect only upon the approval of council.

Powers

(7) All the powers, rights, duties, obligations, authorities and privileges conferred on and duties imposed on the Corporation by any general or special Act with respect to the construction, maintenance, operation and management of pedestrian promenades shall be exercised by the Commission subject to such limitations as the council may impose by by-law.

Dissolution of Commission

(8) With the consent of the Minister of Housing, the council may, by by-law, dissolve the Commission and the letters patent establishing the Commission shall be

surrendered forthwith to the Minister of Consumer and Commercial Relations.

(9) A by-law passed under subsection 8 shall take effect only upon the filing of a certified copy of the by-law with the Minister of Consumer and Commercial Relations. Idem

(10) Notwithstanding an agreement between Her Majesty in right of Ontario, as represented by the Minister of Housing, and the Corporation, dated the 4th day of November, 1977, upon the dissolution of the Commission, its undertakings, assets and liabilities shall be assumed by the Corporation. Transfer of assets on dissolution

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is *The City of Cornwall Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 8 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the City of Cornwall

1st Reading

May 4th, 1978

2nd Reading

May 8th, 1978

3rd Reading

May 8th, 1978

MR. SAMIS

1978

BILL Pr22

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the City of Windsor

MR. NEWMAN
(Windsor-Walkerville)

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL Pr22 1978

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein called the Corporation, hereby applies for special legislation respect of the matters hereinafter set forth; and whereas it is pedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of e Legislative Assembly of the Province of Ontario, enacts as llows:

1. The council of the Corporation may pass by-laws for, Leasing of untravelled portions of highways in residential areas

(*a*) leasing or licensing the use, for parking purposes, of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King's Highway, within those portions of the municipality in which land may be used for residential purposes, to the owners or occupants of the adjoining property for such consideration and upon such terms and conditions as may be agreed; and

(*b*) regulating and controlling the use for parking purposes of untravelled portions of highways under the jurisdiction of the council of the Corporation that are not extensions or connecting links of the King's Highway, which are leased or in respect of which a licence is granted under clause *a*.

2.—(1) The council of the Corporation may pass by-laws for prohibiting or regulating archery ranges and the discharge of arrows from any class of bows. Archery ranges

(2) For the purposes of subsection 1, the council of the Corporation may define classes of bows. Idem

3. The council of the Corporation may pass by-laws, Explosives

(*a*) for prohibiting,

i. the manufacture of any explosive within th municipality or any defined area there other than such kinds and quantities as ma be prescribed in the by-law,

ii. the transporting, storing, keeping, having using of any explosive in the municipali other than such kinds and quantities as ma be prescribed in the by-law, and

iii. the transporting, storing, keeping, havi or using of any explosive in the municipali without a licence; and

(*b*) for,

i. examining, licensing, regulating and gover ing persons who transport, store, keep, ha or use any explosive in the municipality,

ii. prescribing the terms and conditions unc which and the manner in which any e plosive may be transported, stored, ke had or used in the municipality,

iii. requiring permits to be obtained from t Building Commissioner of the Corporati for the storage and use of any explosive a for its transportation to, and handling a temporary storage at, the site of its propos use, and

iv. revoking any licence or permit granted the Corporation.

1977, c. 112, s. 2 (6), re-enacted

4.—(1) Subsection 6 of section 2 of *The City of Windsor A 1977*, being chapter 112, is repealed and the follow substituted therefor:

Licence Commissioner

(6) Notwithstanding subsection 2, the council of Corporation may by by-law appoint a Licence Commissio who, upon receipt of an application in the prescribed fo for a licence or renewal thereof, shall make or cause to made all investigations required by law or by cou relative to such application, and if the investigations close any reason to believe that the applicant is not of g character or that the carrying on of the said trade, calli business or occupation will be likely to result in a breach the law or be in any way adverse to the public interest, Licence Commissioner shall recommend to the licens

committee that it not issue or renew the licence, otherwise the Licence Commissioner may issue or renew the licence.

(2) The said section 2 is amended by adding thereto the following subsection: s. 2, amended

6*a*. The council of the Corporation may pass by-laws for, Licence fees

(*a*) fixing an annual fee for the issue or renewal of any licence, which fee shall be payable at the time of applying for the issue or renewal of the licence;

(*b*) allowing a reduction in the annual licence fee when it is intended that the licence shall remain in effect for less than one year; and

(*c*) establishing a schedule of penalties for the issue or renewal of a licence after the due date established by the by-law for the issue or renewal of the licence, which penalty shall be payable at the time of applying for the issue or renewal of the licence.

5. Part XXI of *The Municipal Act* applies, with necessary modifications, to a by-law passed under sections 2 and 3 of this Act. Enforcement of R.S.O. 1970, c. 284

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. The short title of this Act is *The City of Windsor Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 24 1978

Rodrick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
City of Windsor

1st Reading

November 9th, 1978

2nd Reading

November 23rd, 1978

3rd Reading

November 23rd, 1978

Mr. Newman
(Windsor-Walkerville)

1978

BILL Pr23

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the City of Toronto

MR. ROTENBERG

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

ILL Pr23 1978

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in spect of the matters hereinafter set forth; and whereas it is pedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of e Legislative Assembly of the Province of Ontario, enacts as lows:

1.—(1) In this section, "motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power. Interpretation

(2) Notwithstanding any general or special Act, no person shall conduct or engage in or permit the racing of motor vehicles within the City of Toronto unless such person has received the consent of the council of the Corporation, and, in granting such consent, the council may impose such terms and conditions that, in the opinion of the council, are in the interests of the Corporation. Motor vehicle racing prohibited

(3) Every person, whether as principal or agent, or an employee of either of them, who contravenes subsection 2 or who fails to comply with any term or condition imposed by the council under the said subsection, is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than $5,000, and on a subsequent conviction to a fine of not more than $10,000 for every day or part thereof upon which the offence occurs or continues. Enforcement

2.—(1) Clause *b* of subsection 1 of section 10 of *The City of Toronto Act, 1949*, being chapter 142, is amended by inserting after "health" in the first line "or the medical officer of health" and by inserting after "board" in the second line of subclause iv thereof "or the medical officer of health". 1949, c. 142, s. 10 (1) (*b*), amended

1949, c. 142, s. 10 (1) (*c*), amended

(2) Clause *c* of subsection 1 of the said section 10 is amend by inserting after "health" in the first line "or t medical officer of health" and by inserting after "boar in the fourth line "or the medical officer of health".

s. 10, amended

(3) The said section 10, as amended by the Statutes Ontario, 1950, chapter 116, section 2, is further amend by adding thereto the following subsection:

Obstruction not permitted

(3*a*) No person shall obstruct, hinder, delay or preve the medical officer of health, any member of the local boa of health or any inspector or other person acting under t instructions of any of them in the exercise of any pow conferred or the performance of any duty imposed by a by-law passed under the authority of this section.

1957, c. 157, s. 3 (1), re-enacted

3.—(1) Subsection 1 of section 3 of *The City of Toronto Act, 195* being chapter 157, is repealed and the following su stituted therefor:

Use of untravelled portions of highways

(1) The Corporation is authorized and empowered lease or license the use of untravelled portions of highwa within the City of Toronto to the owners or occupants adjoining property for such consideration and upon su terms and conditions as may be agreed.

s. 3 (2*a*), repealed

(2) Subsection 2*a* of the said section 3, as enacted by t Statutes of Ontario, 1971, chapter 130, section 15, repealed.

Interpretation

4.—(1) In this section,

(*a*) "leg-hold trap" means a device, other than a snar that is designed to capture the animal for which it set by the leg or foot;

(*b*) "snare" means a device for the taking of anima whereby they are caught in a noose.

Authority of council to prohibit leg-hold traps

(2) The council of the Corporation may by by-law prohib the using, setting or maintaining of leg-hold traps with the City of Toronto.

Enforcement

R.S.O. 1970, c. 284

(3) A by-law passed under this section shall be enforceab in the same manner as a by-law passed under the authori of *The Municipal Act* and any such by-law may impo penalties of not more than $1,000, exclusive of cos upon any person who contravenes any provision of su by-law.

5. The council of the Corporation is authorized to pay any judgment, costs and legal expenses against or incurred by any employee of the Corporation or any member of council or of a board or commission reporting to council arising out of any action or proceeding which, in the opinion of the council, affects or might affect such employee or member and in the case of such employee has arisen out of his employment by the Corporation and in the case of such member has arisen out of his duties with the Corporation, board or commission, as the case may be. Indemnification by Corporation

6. Subsection 2 of section 5 of *The City of Toronto Act, 1958*, being chapter 160, is amended by striking out "on the nomination of the board of control, and no appointment shall be made by the council in the absence of such nomination except on the affirmative vote of at least two-thirds of the members of council present and voting" in the fourth, fifth, sixth, seventh and eighth lines. 1958, c. 160, s. 5 (2), amended

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. The short title of this Act is *The City of Toronto Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

the City of Toronto

1st Reading

May 25th, 1978

2nd Reading

June 22nd, 1978

3rd Reading

June 22nd, 1978

MR. ROTENBERG

1978

BILL Pr24 1 Outline Leg. Leg. Assem

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the Ottawa Charitable Foundation

MR. ROY

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr24 1978

An Act respecting the Ottawa Charitable Foundation

WHEREAS the Ottawa Charitable Foundation hereby represents that it was established as a corporation under *The Ottawa Charitable Foundation Act, 1925*; that it is desirous of removing the requirement that the trustees receive donations, gifts, devises or bequests which, when converted into money or invested in trustees' securities, aggregate to an amount not less than $100,000 or to distributing the whole or part of the fund as set out in the Act; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application; Preamble 1925, c. 131

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Ottawa Charitable Foundation Act, 1925*, being chapter 131, is repealed and the following substituted therefor: 1925, c. 131, s. 10, re-enacted

10. The Board of Trustees may from time to time distribute the whole or part of the trust funds under its charge to any one or more charitable institutions or for charitable purposes, subject to the following restrictions: Distribution of funds for charitable purposes subject to certain conditions

1. No fund which has resulted from any gift, devise or bequest made for any special charitable purpose shall be distributed except as provided by the will, deed or other instrument creating such trust, unless such object shall have ceased to exist, in which event such trust shall be administered and dealt with in such manner as shall be approved of by a judge of the Supreme Court of Ontario.

2. No grant shall be made to any charitable institution or body the revenues of which, or the greater part thereof, are expended elsewhere than in the City of Ottawa.

3. No grant shall be made to any charitable institut or body, the activities of which are confined to members of a particular religious denomination.

Commencement

2. This Act comes into force on the day it receives Royal Asse

Short title

3. The short title of this Act is *The Ottawa Charitable Foundat Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Ottawa Charitable Foundation

1st Reading

June 1st, 1978

2nd Reading

November 30th, 1978

3rd Reading

November 30th, 1978

Mr. Roy

1978

BILL Pr25 1st reading

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting The Royal Trust Company and Royal Trust Corporation of Canada

MR. MCCAFFREY

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr25 **1978**

An Act respecting The Royal Trust Company and Royal Trust Corporation of Canada

WHEREAS The Royal Trust Company and Royal Trust Corporation of Canada hereby represent that The Royal Trust Company, a corporation incorporated by an Act of the Legislature of the Province of Quebec, being chapter 79 of the Statutes of Quebec, 1892, by its then wholly owned subsidiary, Royal Trustco Limited, a corporation incorporated under the *Canada Business Corporations Act* by articles of incorporation dated the 29th day of January, 1976, caused Royal Trust Corporation of Canada to be incorporated by letters patent dated the 19th day of March, 1976 under the *Trust Companies Act* (Canada) as a wholly owned subsidiary of Royal Trustco Limited, except for directors' qualifying shares, for the purpose of taking over and carrying on certain of the business of The Royal Trust Company in the Province of Ontario and other areas of Canada; that, subject to certain exceptions as herein described, The Royal Trust Company and Royal Trust Corporation of Canada desire to transfer to Royal Trust Corporation of Canada certain of the trusteeship business of The Royal Trust Company in Ontario, including particularly those parts of such business for which The Royal Trust Company is named, on behalf of any natural person, trustee under any *inter vivos* trust, or executor, administrator or trustee under any will, letters probate, or letters of administration; that because of the nature of such trusteeship business it is desirable and expedient to effect such transfer by an Act of the Legislative Assembly of Ontario so that the rights and obligations of all those who have relations with The Royal Trust Company and Royal Trust Corporation of Canada with respect to such trusteeship business may be clearly determined; and whereas The Royal Trust Company and Royal Trust Corporation of Canada hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

1974-75-76, c. 33 (Can.)

R.S.C. 1970, c. T-16

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Exceptions to application of Act

1. Sections 2, 3, 4, and 5 do not apply to,

(*a*) any real or personal property granted to, or held by, or vested in The Royal Trust Company, and any power, right, immunity, privilege or right of action that may be exercised by or against The Royal Trust Company, pursuant to or in respect of,

(i) any trust indenture or indenture wherein The Royal Trust Company is named trustee and by virtue of which bonds, debentures or other evidences of indebtedness, warrants, or rights are issued,

R.S.C. 1952, c. 148

(ii) any registered retirement savings plan, as defined in subsection 1 of section 146 of the *Income Tax Act* (Canada), any registered home ownership savings plan, as defined in subsection 1 of section 146.2 of the said Act, or any mutual fund, pooled trust fund, pension plan, employee benefit plan or unit trust of which The Royal Trust Company is named trustee, and

(iii) any document or trust to which section 2 applies which, at the commencement of this Act, or at the date any property is first acquired by The Royal Trust Company pursuant to or in respect of such document or trust, whichever is later, is being administered outside Ontario;

(*b*) any agreement or other document whatsoever whereby The Royal Trust Company is named as agent, registrar or transfer agent;

(*c*) any real property or any interest or estate in land that is held by The Royal Trust Company as grantee or mortgagee under any deed or mortgage wherein the grantee or mortgagee is described as "The Royal Trust Company" without further qualification, and that is held by The Royal Trust Company pursuant to or in respect of any document or trust to which section 2 applies, and any power, right, immunity, privilege, or right of action that may be exercised by or against The Royal Trust

Company under such document or trust with respect to that property;

(*d*) any real or personal property owned or held by, vested in, or granted to The Royal Trust Company, and that is held by The Royal Trust Company exclusively for its own use and benefit, and not in trust for or for the benefit of any other person or purpose; or

(*e*) any real or personal property that is held by The Royal Trust Company under any document or trust to which section 2 applies, and that at the commencement of this Act or at the date such property is first acquired by The Royal Trust Company, whichever is later, is situate outside Ontario, and any power, right, immunity, privilege, or right of action that may be exercised by or against The Royal Trust Company under any such document or trust with respect to that property, but,

(i) for all property situate outside Ontario for which The Royal Trust Company has been appointed, or is entitled to be appointed, by a court of Ontario, as personal representative of a deceased person, whether as executor, administrator or otherwise, Royal Trust Corporation of Canada may, upon application to such court, be appointed personal representative in the place and stead of The Royal Trust Company with respect to that property, and

(ii) for all property situate outside Ontario not coming within subclause i, but held by The Royal Trust Company under any document or trust to which section 2 applies, for which the Supreme Court of Ontario has jurisdiction under section 5 of *The Trustee Act* to make an order for the appointment of a new trustee, Royal Trust Corporation of Canada may, upon application to the Supreme Court, be appointed trustee in the place and stead of The Royal Trust Company with respect to that property, and such appointment has for all purposes of the laws of Ontario the same effect as if made under section 5 of *The Trustee Act*, R.S.O. 1970, c. 470

but any appointment made under subclause i or ii hereof shall not affect any rights which may continue to be exercised by or against The Royal Trust Company.

Royal Trust Corporation of Canada substituted for The Royal Trust Company with respect to trusts, etc.

2. Subject to section 1, Royal Trust Corporation of Canada is substituted in the place and stead of The Royal Trust Company in or in respect of every trust, trust deed, trust agreement, instrument of creation, settlement, assignment, will, codicil or other testamentary document, and every letters probate, letters of administration, judgment, decree, order, direction, or appointment of any court, judge or other constituted authority, and every other document or trust howsoever created, including every incomplete or inchoate trust, wherein or whereby, or of which The Royal Trust Company is named as executor, administrator, trustee, bailee, committee, assignee, liquidator, receiver, guardian, or curator, or is named to any other office or position whatsoever wherein any property, interest, possibility, or right is vested in, administered or managed by, or put in charge of The Royal Trust Company in trust for or for the benefit of any other person or purpose, and every such document or trust shall be construed and given effect as if Royal Trust Corporation of Canada had been named therein in the place and stead of The Royal Trust Company.

Real and personal property held in trust by The Royal Trust Company

3.—(1) Subject to section 1, all real and personal property and every interest therein that is granted to, or held by, or vested in The Royal Trust Company, whether by way of security or otherwise, in trust for or for the benefit of any other person or purpose, pursuant to or in respect of any document or trust to which section 2 applies, and whether in the form in which it was originally acquired by The Royal Trust Company or otherwise, is vested in Royal Trust Corporation of Canada, according to the tenor of and at the time indicated or intended by the document or trust, upon the same trusts, and with the same powers, rights, immunities, and privileges, and subject to the same obligations and duties as are thereby provided, granted or imposed.

Registration of Act not required

(2) Subject to section 6, for the purposes of any Act affecting the title to property, both real and personal, the vesting of title in Royal Trust Corporation of Canada of every property affected by subsection 1 is effective without the registration or filing of this Act, or any further or other instrument, document, or certificate showing the change of title in any public office whatsoever within the jurisdiction of the Province of Ontario.

Legal proceedings

4.—(1) No suit, action, appeal, application or other proceeding being carried on and no power or remedy being

exercised by or against The Royal Trust Company in any court of Ontario, or before any tribunal or agency of the Province of Ontario, pursuant to or in respect of any document or trust to which section 2 applies, shall be discontinued or abated on account of this Act, but may be continued in the name of Royal Trust Corporation of Canada, which shall have the same rights, shall be subject to the same liabilities, and shall pay or receive the same costs and award as if the suit, action, appeal, application or other proceeding had been commenced or defended in the name of Royal Trust Corporation of Canada.

Idem

(2) Any suit, action, appeal, application, or other proceeding, or any power, right, remedy or right of distress that might have been brought or exercised by or against The Royal Trust Company pursuant to or in respect of any document or trust to which section 2 applies, may be brought or exercised by or against Royal Trust Corporation of Canada, which shall have the same rights, and shall be subject to the same liabilities, in respect thereof, as those which The Royal Trust Company would have or be subject to if this Act had not been enacted.

Idem

(3) In any suit, action, appeal, application or other proceeding that has been continued or commenced in the name of Royal Trust Corporation of Canada under subsection 1 or 2, The Royal Trust Company and its officers and employees shall be deemed to have been acting on behalf of Royal Trust Corporation of Canada in performing any act, whether before or after the commencement of this Act, involving the administration of any document or trust to which section 2 applies, and for purposes of examination for discovery or production of documents in relation to any such proceeding, The Royal Trust Company and its officers or employees shall be subject to the same obligations as if this Act had not been enacted.

Rights of third parties

5. Nothing in this Act affects the rights of any person having a claim against The Royal Trust Company in respect of any document or trust to which section 2 applies, or impairs, modifies or affects the liability of The Royal Trust Company to any such person, but all such rights as may be enforceable in Ontario may be asserted against Royal Trust Corporation of Canada, which shall be responsible for all debts, liabilities, and obligations of The Royal Trust Company in respect of any such document or trust.

Notice

6.—(1) For any real or personal property that is registered in the name of The Royal Trust Company in any public office of the Province of Ontario, any person may continue

to deal with The Royal Trust Company in reliance on such registration until he receives notice in accordance with subsection 2 that such property has been vested in Royal Trust Corporation of Canada under subsection 1 of section 3, and until a person receives such notice, any cheque, bill of exchange, payment, summons, notice or any other document whatsoever that he executes or endorses in favour of, or that he delivers to or serves on, The Royal Trust Company in respect of any property that is vested in Royal Trust Corporation of Canada under subsection 1 of section 3 shall be as valid and effective as if it were executed or endorsed in favour of, or delivered to or served on, Royal Trust Corporation of Canada.

Idem

(2) For any real or personal property registered in the name of The Royal Trust Company in any public office of the Province of Ontario, or for which The Royal Trust Company is shown by any document of title as having legal ownership thereof, and that is vested in Royal Trust Corporation of Canada under subsection 1 of section 3, a statutory declaration made by a duly authorized officer, employee or agent of The Royal Trust Company attesting to such vesting may be served personally on, or sent by registered mail to, any person who may have any dealing with such property, and any person who receives any such declaration may thereafter deal with Royal Trust Corporation of Canada as if it were shown as the registered or legal owner of the property in respect of which the declaration is made, and the validity of any such dealing shall not be affected by any inaccuracy in such declaration.

Instruments dealing with property

(3) Any instrument dealing with any property,

(*a*) that is vested in Royal Trust Corporation of Canada pursuant to subsection 1 of section 3, but that is registered in the name of The Royal Trust Company in any public office of the Province of Ontario or in respect of which The Royal Trust Company is shown by any document of title as having legal ownership thereof, shall be executed by Royal Trust Corporation of Canada and shall contain a recital referring to such vesting under this Act; and

(*b*) of which The Royal Trust Company is shown as the registered or legal owner, and that is not vested in Royal Trust Corporation of Canada under subsection 1 of section 3, shall be executed by The Royal Trust Company and shall contain a recital stating that title to such property is not affected by this Act.

(4) Any instrument executed by The Royal Trust Company or by Royal Trust Corporation of Canada containing the recital required by subsection 3 may be accepted for registration by any public office within the jurisdiction of the Province of Ontario without further proof of the accuracy of such recital, and any such instrument shall be deemed to be effective as against The Royal Trust Company and Royal Trust Corporation of Canada in passing title to any property described in such instrument notwithstanding any inaccuracy contained in such recital. Idem

(5) For purposes of *The Personal Property Security Act* it is sufficient, in order to show the vesting in Royal Trust Corporation of Canada under subsection 1 of section 3 of any interest in personal property that constitutes a security interest within the meaning of that Act and for which The Royal Trust Company is shown as the secured party in any financing statement registered under that Act, for a financing change statement to be registered in respect of such vesting as if The Royal Trust Company had assigned its interest to Royal Trust Corporation of Canada. Security interests in personal property R.S.O. 1970, c. 344

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. The short title of this Act is *The Royal Trust Corporation of Canada Act, 1978.* Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 24 19 78

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
The Royal Trust Company and
Royal Trust Corporation of Canada

1st Reading

June 1st, 1978

2nd Reading

November 23rd, 1978

3rd Reading

November 23rd, 1978

MR. MCCAFFREY

1978

BILL Pr26 1 Act. nie Emp. Pyc Gibson

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the City of Thunder Bay

MR. HENNESSY

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr26 **1978**

An Act respecting the City of Thunder Bay

WHEREAS The Corporation of the City of Thunder Bay, herein called the Corporation, hereby applies for special legislation related to the redevelopment plan of the Corporation as adopted by By-law Number 209-1977 of the Corporation; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. For the purposes of subsection 1 of section 293 of *The Municipal Act*, the Corporation shall not be deemed to be incurring a debt, the repayment of which is not provided for in the estimates of the current year, when it is a debt arising out of any agreement under section 24 of *The Planning Act* between the Corporation and the Minister of Housing for the purpose of implementing the redevelopment plan of the Corporation as adopted by By-law Number 209-1977 of the Corporation. Redevelopment plan, project for which Corporation not deemed to incur debt payment of which is not provided for in the estimates R.S.O. 1970, cc. 284, 349

2. Subsection 1 of section 288 of *The Municipal Act* does not apply to a money by-law authorizing a debt arising out of an agreement referred to in section 1. Application of R.S.O. 1970, c. 284, s. 288 (1)

3. Subsection 1 of section 64 of *The Ontario Municipal Board Act* does not apply to an agreement referred to in section 1 or to the carrying out of such an agreement. Application of R.S.O. 1970, c. 323, s. 64 (1)

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is *The City of Thunder Bay Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23, 1978

Roderick Lewis

An Act respecting the
City of Thunder Bay

1st Reading

June 1st, 1978

2nd Reading

June 22nd, 1978

3rd Reading

June 22nd, 1978

Mr. Hennessy

1978

BILL Pr27 1st reading Leg. Leg. & Leg. Ass.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the County of Lennox and Addington

MR. TAYLOR
(Prince Edward-Lennox)

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr27 **1978**

An Act respecting the County of Lennox and Addington

WHEREAS The Corporation of the County of Lennox and Addington, herein called the Corporation, hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lennox and Addington County Library Board shall be deemed to have been dissolved on the 1st day of January, 1978, and all the assets and liabilities thereof are hereby declared to have vested on that date in the Corporation. Library Board dissolved

(2) The council of the Corporation shall, for the purposes of *The Public Libraries Act*, be deemed to be a board of a county library and shall be deemed to have so been since the 1st day of January, 1978. County council deemed board under R.S.O. 1970, c. 381

(3) On and after the 1st day of January, 1978, the operation of The County of Lennox and Addington County Library shall be limited to the participating local municipalities and operating costs thereof shall be apportioned amongst such local municipalities in the proportion that the equalized assessment of the participating municipalities bears to the total equalized assessment of the participating municipalities. Apportionment of costs

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The County of Lennox and Addington Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 24 1978

Rodney Lewis

County of Lennox and Addington

1st Reading

June 20th, 1978

2nd Reading

November 23rd, 1978

3rd Reading

November 23rd, 1978

MR. TAYLOR
(Prince Edward-Lennox)

1978

BILL Pr28 1st Reading Leg. Leg. Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Beezee Foods Limited

MR. REED

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr28 **1978**

An Act to revive Beezee Foods Limited

WHEREAS Max Zeller, Samuel Bloch and Frances Blau hereby represent that Beezee Foods Limited, herein called the Corporation, was incorporated by letters patent dated the 8th day of February, 1967; that the Minister of Consumer and Commercial Relations, by order dated the 14th day of February, 1973, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns, and declared the Corporation to be dissolved on the 21st day of March, 1973; that the applicants were all the directors and the holders of all common shares of the Corporation at the time of its dissolution; that although the notice of default in filing annual returns required by the said subsection 3 of section 251 of *The Business Corporations Act* was sent to each of the applicants as directors, through inadvertence, no action was taken to revive the Corporation until more than two years after the date of the said notice; that the Corporation, at the time of its dissolution, was carrying on active business and since that time active business has continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Beezee Foods Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved. Beezee Foods Limited revived

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Beezee Foods Limited Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 9 1978

CLERK
LEGISLATIVE ASSEMBLY

Limited

1st Reading

June 16th, 1978

2nd Reading

November 7th, 1978

3rd Reading

November 7th, 1978

MR. REED

1978

BILL Pr29 1st reading Mr. Leluk

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Poly Aire International Limited

MR. LELUK

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr29 **1978**

An Act to revive Poly Aire International Limited

WHEREAS Walter Nail represents that Poly Aire International Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 23rd day of September, 1969; that the Minister of Consumer and Commercial Relations, by order dated the 26th day of December, 1973, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared it to be dissolved on the 30th day of January, 1974; that the applicant was a director of the Corporation and the holder of the majority of the common shares of the Corporation at the time of its dissolution; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned certain property; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Poly Aire International Limited, incorporated by letters patent dated the 23rd day of September, 1969, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. Poly Aire International Limited revived

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Poly Aire International Limited Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 23, 1978

Rodney Lewis

Poly Aire International Limited

1st Reading

June 15th, 1978

2nd Reading

June 22nd, 1978

3rd Reading

June 22nd, 1978

MR. LELUK

1978

BILL Pr30 Recd. in Leg. Leg. Library

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the City of Windsor

MR. NEWMAN
(Windsor-Walkerville)

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr30 **1978**

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein called the Corporation, hereby represents that by an agreement dated the 21st day of February, 1921, a true copy of which is set out as Schedule 1 hereto, the parties to the agreement agreed to convey to the Town of Walkerville certain lands; that pursuant to the agreement a deed, dated May, 1921, a true copy of which is set out as Schedule 2 hereto, was registered in the Registry Office for the Registry Division of the County of Essex on the 9th day of September, 1921 as number 6193 for the Town of Walkerville, conveying the lands described therein to The Corporation of the Town of Walkerville, as Grantee; that the deed contained a covenant which among other things provided that: Preamble

> . . . within five years from the date hereof, the Grantee will, at its own expense, remodel the residence and other buildings on the said lands, so far as remodelling may be necessary for the public purposes for which the same may be used, said remodelling to be in accordance with plans to be submitted and approved by the said Harrington E. Walker, Hiram H. Walker and F. Caldwell Walker, and the survivors or survivor; and that a suitable portion of the said residence, after such remodelling, shall be set apart and used for public library purposes, the said public library to be known as "Willistead Library";

that pursuant to the covenant a portion of the residence referred to in the covenant has been and is being used as a public library, known as the Willistead Library; that the assets and liabilities of the Town of Walkerville vested in the Corporation under *The City of Windsor (Amalgamation) Act, 1935*, being chapter 74; that, in light of the declining public use of the Willistead Library and the need to make further use of the building as a community, cultural and recreational centre, it is desirable that the clause in the covenant that requires a portion of the residence located on the lands to be reserved for public library purposes be declared null and void and no longer binding on the Corporation; and whereas the applicant hereby applies for

special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Covenant in deed declared null and void

1. Notwithstanding the agreement set out as Schedule 1 hereto, the clause in the covenant in the deed set out as Schedule 2 hereto that reads:

> and that a suitable portion of the said residence after such remodelling shall be set apart and used for public library purposes, the said public library to be known as "Willistead Library";

is hereby declared null and void and is no longer binding on the Corporation.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The City of Windsor Act, 1978.*

SCHEDULE 1

THIS AGREEMENT, made this 21st day of February, A.D. 1921, by and between Harrington E. Walker, Hiram H. Walker and F. Caldwell Walker, individually and as Executors and Trustees of the Estate of J. Harrington Walker, Deceased, Margaret T. Walker, widow of the said J. Harrington Walker, Deceased, Mary Margaret Walker Small and Elizabeth T. Walker, children and residuary legatees and devisees of said J. Harrington Walker, deceased, May Walker, widow of Franklin H. Walker, deceased, and Detroit Trust Company, as Executors and Trustee of the Estate of said Franklin H. Walker, deceased, hereinafter called first parties, Mary Griffin Walker, widow of Edward Chandler Walker, deceased, hereinafter called second party, and National Trust Company, Limited, as Trustee of the Estate of said Edward Chandler Walker, deceased, hereinafter called third party, and The Corporation of the Town of Walkerville, hereinafter called the fourth party, WITNESSETH:

WHEREAS said second party under and by virtue of the terms of the Last Will and Testament of said Edward Chandler Walker, deceased, was given the right during her natural life, to occupy and use personally the premises known as "Willistead" in the Town of Walkerville, Ontario, including the lands surrounding and connected therewith, and the garage and other buildings thereon, the said lands consisting of about fifteen and one-half acres, and the title to the remainder in said premises was by said Will devised to said third party in trust for said Franklin H. Walker and J. Harrington Walker; and

WHEREAS the said third party was required under the said Will of the said Edward Chandler Walker during the use and occupation of the said premises by the second party to make such expenditures as might be required for the maintenance and upkeep of the said premises and to pay the taxes and insurance charges thereon and upon the furniture and effects therein contained; and

WHEREAS, by a certain agreement dated July 19th, 1915, and made between the said Franklin H. Walker and James Harrington Walker (both since deceased) of the first part, the said Mary Griffin Walker, of the second part, the National Trust Company, Limited, of the third part, it was provided that in lieu of the liability of the said National Trust Company, Limited, for the expenditures to be made under the provisions of the said Will, the said Company (the third party hereto) should pay to the said Mary Griffin Walker (the second party hereto) the sum of Twenty-five Thousand Dollars per annum, and that the said second party hereto should assume the responsibility for such maintenance and upkeep, taxes and insurance, and that the National Trust Company, Limited, should be relieved from any and all liability in respect thereof; and

WHEREAS, the first and second parties hereto desire to convey said premises to the Corporation of the Town of Walkerville, Ontario, to be used for certain public purposes hereinafter mentioned; NOW THEREFORE, the parties hereto, each in consideration of the performance by the other or others of the premises to be by him, her, it or them performed, do hereby mutually agree as follows:

(1) Said first, second and third parties agree to join in a proper conveyance of said premises known as "Willistead" to said fourth party, upon and subject to the terms and conditions hereinafter set forth.

(2) IT IS FURTHER UNDERSTOOD AND AGREED that said conveyance shall provide that the grantee shall keep and maintain said property perpetually for public purposes, the said property to be known as "Willistead Park"; that due and proper care shall be taken by said grantee of the trees and shrubs thereon; that the fence around said premises shall be left standing and shall be properly kept and maintained during the period of its natural life or such other period as the necessities of said grantee will permit; that the residence and other buildings on said property, during the first five years after the date of said conveyance, shall be remodelled as to the interior thereof so far as the same may be found necessary for the public purposes for which the same are to be used, at the expense of the grantee, in accordance with plans to be approved by the first parties, and that a portion of said residence after such remodelling shall be used for public library purposes, the said public library to be known as "Willistead Library" (provided, however, that the exterior of said residence shall not be altered so as to mar or injure in any way the general architectural design of said building); that no additional structure shall be erected at any time or substantial structure alterations made at any time in said buildings or premises without the approval of the Ontario Association of Architects that nothing in said conveyance shall be construed to prevent the use of a portion of the buildings on said premises for lecture purposes and meetings of any kind regarding matters of public interest.

(3) IT IS FURTHER UNDERSTOOD AND AGREED that a sum at the rate of Twenty Thousand Dollars ($20,000.) per year shall be paid by said third party to said second party during her natural life in equal quarterly or monthly instalments each year, as said second party may elect, this payment of Twenty Thousand Dollars ($20,000.) per year to be in lieu of the Twenty-five Thousand Dollar payment provided for in Section two (2) of said agreement dated July 19th, 1915, hereinbefore mentioned. Said first parties, as the representatives of the residuary legatees under the said will of Edward Chandler Walker, deceased, hereby authorize and direct said third party to pay to said second party the said sum at the rate of Twenty Thousand Dollars ($20,000.) per year, and to charge the same against the residue of the testator's estate to which said first parties are or may become entitled.

(4) It Is Further Understood And Agreed that said second and third parties, upon the execution and delivery of the said conveyance to the said fourth party which shall be executed and delivered not later than the first day of August, 1921, shall be released and forever discharged from any condition imposed by the said Will of Edward Chandler Walker, deceased, or the agreement of July 19th, 1915, requiring said second or third parties to make any expenditures upon or on behalf of said "Willistead" premises.

(5) Said second party agrees to accept the payment of the sum of Twenty Thousand Dollars ($20,000.) in lieu of the sum of Twenty-five Thousand Dollars ($25,000.) provided for by the said agreement of July 19th, 1915, and hereby expressly waives her rights as from the said first day of August, 1921, to the payment of Five Thousand Dollars ($5,000.) per annum being the difference between the said sum of Twenty Thousand Dollars ($20,000.) per annum provided for by this agreement and the sum of Twenty-five Thousand Dollars ($25,000.) per annum provided for by Section Two (2) of said agreement dated July 19th, 1915, and also hereby expressly waives and surrenders her right, during her natural life as from the said first day of August, 1921, to occupy and use personally the homestead and premises known as "Willistead" in the Town of Walkerville, Ontario, including the lands surrounding and connected therewith, and the garage and other buildings thereon.

(6) Notwithstanding anything herein contained the said agreement of July 19th, 1915, shall be deemed to be and remain in full force and effect except insofar as the same have been expressly varied by these presents.

(7) It Is Further Understood And Agreed that any inscription upon said premises, designating the donors thereof, shall be in such wording as shall be required by first parties hereto.

(8) The fourth party agrees to accept a conveyance of the premises above described upon the terms and conditions herein set forth, and executes these presents in evidence of its assent thereto.

In Witness Whereof, the parties hereto have hereunto set their hands and seals the day and year first above mentioned.

[Executed by the Parties to the Agreement]

SCHEDULE 2

This Indenture made (in triplicate) the day of May, one thousand nine hundred and twenty-one, in pursuance of *The Short Forms of Conveyance Act*,

Between:

Harrington E. Walker, Hiram H. Walker and F. Caldwell Walker, in their personal capacities and as executors and trustees of the estate of J. Harrington Walker, deceased, Margaret T. Walker, widow of said J. Harrington Walker, Mary Margaret Walker Small and Elizabeth T. Walker, children and residuary legatees and devisees of said J. Harrington Walker, National Trust Company Limited, as administrator in Ontario of the estate of Franklin H. Walker, deceased, and as executor and trustee of the estate of Edward Chandler Walker, deceased, May Walker, widow of the

said Franklin H. Walker, and Mary Emma Griffin Walker, widow of the said Edward Chandler Walker, hereinafter called the "Grantors"

OF THE ONE PART;

— and —

The Corporation of the Town of Walkerville, hereinafter called the "Grantee"

OF THE OTHER PART;

WITNESSETH:

That in pursuance of a certain agreement entered into by the parties hereto, and bearing date February, 1921 and in consideration of the undertakings and agreements therein and herein contained on the part of the Grantee to be observed and performed, the Grantors, according to their several estates and interests, do hereby grant and release unto the said Grantee in fee simple all and singular that certain parcel or tract of land and premises situate lying and being in the Town of Walkerville, in the Province of Ontario, known as "Willistead" being composed of all that part of lots numbers ninety-four (94) and ninety-five (95) (McNiff's Survey) bounded on the East by Devonshire Road, on the North by Niagara Street, on the South by Huron Street, and on the West by Victoria Road, the said lands being more particularly described in two certain deeds of conveyance made by Charles Louis Chilver and the Walkerville Land & Building Company Limited to the late Edward Chandler Walker, registered in the Registry Office for the County of Essex as numbers 701 and 1049 for the Town of Walkerville;

TO HAVE AND TO HOLD for certain public purposes, subject, nevertheless, to the reservations, limitations, provisoes and conditions expressed in the original Grant thereof from the Crown and to the said undertakings and agreements;

And the Grantee hereby covenants and agrees with the Grantors, individually and collectively, that the Grantee will keep and maintain the said lands perpetually for public purposes, the same to be known as "Willistead Park"; that due and proper care will be taken of the trees and shrubs therein; that the fence around the said lands will be properly kept and maintained during the period of its natural life, or such other period as the necessities of the Grantee will permit; that within five years from the date hereof, the Grantee will, at its own expense, remodel the residence and other buildings on the said lands, so far as remodelling may be necessary for the public purposes for which the same may be used, said remodelling to be in accordance with plans to be submitted and approved by the said Harrington E. Walker, Hiram H. Walker and F. Caldwell Walker, and the survivors or survivor; and that a suitable portion of the said residence, after such remodelling, shall be set apart and used for public library purposes, the said public library to be known as "Willistead Library";

And that it will not alter or permit to be altered, the exterior of the said residence so as to mar or injure in any way, the general architectural design thereof; and that it will not make or permit any substantial structural alteration in any of the said buildings or premises, without the approval first had and obtained of the Ontario Association of Architects, and that it will not erect, or permit to be erected, any building or structure on the said lands without the approval first had and obtained of the said Association.

PROVIDED that nothing in these presents contained, shall be construed to prevent the use of a portion of the buildings on said premises for lecture purposes and meetings of any kind regarding matters of public interest.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.

[Executed by the Parties to the Agreement]

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the City of Windsor

1st Reading

November 9th, 1978

2nd Reading

December 13th, 1978

3rd Reading

December 13th, 1978

MR. NEWMAN
(Windsor-Walkerville)

BILL Pr31 Pauline Cp. Cp. S. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting Regis College

MRS. CAMPBELL

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr31 **1978**

An Act respecting Regis College

WHEREAS Regis College, hereinafter called the Charter Corporation, hereby represents that it was founded by the Society of Jesus, a body which has been active since 1632 in the area now known as the Province of Ontario; that the Charter Corporation was incorporated under *The Corporations Act* by letters patent, dated the 27th day of February, 1958, for the purpose of carrying on the work of the institution previously known as the Jesuit Seminary in the City of Toronto and it has conducted and maintained an institution of learning and is a founding member of the Toronto School of Theology; and whereas the applicant hereby applies for special legislation providing for modification of its organization, government and administration, and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 89

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "Academic Council" means the Academic Council of the College;

(*b*) "academic officer" means a person who directs an academic program of the College;

(*c*) "administrative officer" means an employee of the College so designated by the Board;

(*d*) "administrative staff" means those persons employed by the College, other than the President, the Rector, the academic officers, the administrative officers and the members of the faculty;

(*e*) "Board" means the Board of Governors of the College;

(*f*) "College" means Regis College as created by this Act;

(*g*) "full-time members of the faculty" means those members of the faculty so designated by the Board;

(*h*) "members of the faculty" means those persons employed by the College who hold the academic rank of professor, lecturer or instructor;

(*i*) "President" means the President of the College;

(*j*) "Rector" means the Rector of the College;

(*k*) "student" means a person registered at the College for full-time or part-time study in a program that leads to a degree;

(*l*) "year" means the membership year of the Board and of the Academic Council.

Conflict with R.S.O. 1970, c. 89

(2) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails.

Regis College re-incorporated

2.—(1) The members of the Board from time to time are hereby constituted a body corporate with perpetual succession and a common seal under the name of "Regis College".

Rights of Charter Corporation continued

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the College, and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the College.

By-laws, etc., of Charter Corporation to continue

(3) Subject to this Act, all by-laws, orders, statutes, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, orders, statutes, regulations, resolutions and appointments of the College until amended, repealed or revoked.

Charter Corporation dissolved

(4) The Charter Corporation is dissolved on the date this Act comes into force.

BOARD OF GOVERNORS

First members of the Board

3.—(1) The Board of Governors, until reconstituted in accordance with subsection 2, shall consist of Reverend

W. F. Ryan, S.J., Reverend W. M. Addley, S.J., Reverend R. J. Limoges, S.J., Reverend L. C. Braceland, S.J., Reverend T. T. Prendergast, S.J., Reverend R. C. Croken, S.J., Reverend J. M. Laporte, S.J. and Reverend O. N. Mohammed, S.J.

Composition of Board

(2) Within twelve months after the coming into force of this Act, the Board shall be reconstituted to consist of,

(*a*) the Provincial Superior and Official Consultors of the Upper Canada Province of the Society of Jesus, the President, the Rector and the Vice-Chairman of the Academic Council, who shall be *ex officio* members; and

(*b*) four members of whom at least half are to be lay persons not otherwise connected with the College, elected by the Board for a term of two years.

Staggered terms of office

(3) Notwithstanding clause *b* of subsection 2, for the purpose of the first election of members of the Board under that clause, the Board may by by-law provide for staggered terms of office.

Canadian citizenship

(4) No person shall be elected a member of the Board unless he is a Canadian citizen.

Term of office

(5) Subject to subsection 6, a member of the Board is eligible for re-election, except that no such member shall serve for more than three consecutive terms, but on the expiration of one year after having served the third of three consecutive terms, such person shall again be eligible for membership on the Board.

Idem

(6) The limit of three consecutive terms referred to in subsection 5 does not include service on the Board,

(*a*) for the balance of an unexpired term for a person who becomes a member of the Board under subsection 7; or

(*b*) for a term reduced under subsection 3.

Vacancies

(7) Where a vacancy occurs for any reason among the elected members of the Board before the term for which a person was elected has expired, the Board in its sole discretion shall determine whether the vacancy is to be filled and, if so, the person elected by the Board to fill such vacancy shall hold office for the remainder of the term of the person whose membership is vacant.

Chairman of Board and Chancellor

(8) The Provincial Superior of the Upper Canada Province of the Society of Jesus,

(*a*) shall be Chairman of the Board and Chancellor of the College; and

(*b*) may designate a person to assume any or all of the duties and powers of either or both of the offices of Chairman of the Board and Chancellor of the College.

Idem

(9) During a vacancy in the office of the Provincial Superior of the Upper Canada Province of the Society of Jesus, a designation made under clause *b* of subsection 8 shall continue in effect but, if there is no designation or to the extent that the designation does not extend, all duties and powers of the Chairman of the Board and Chancellor of the College shall be assumed by such member of the Board as may be appointed by the Board.

Powers of Board

(10) The government, conduct, management and control of the College and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, the power,

(*a*) to enact by-laws for the conduct of its affairs;

(*b*) to establish and terminate programs and courses of study;

(*c*) after consideration of the recommendation, if any, of the Academic Council and with the approval of the Chancellor, to appoint the President;

(*d*) to appoint, promote, suspend and remove the administrative officers of the College and the members of the administrative staff;

(*e*) to appoint and promote members of the faculty and academic officers, but the appointment of the academic officers and the appointment and promotion of full-time members of the faculty shall be on the recommendation of the Academic Council;

(*f*) to grant tenure and leave to and to suspend and remove the academic officers and members of the faculty;

(*g*) to delegate such of its powers under clauses *d*, *e* and *f* as it considers proper to the President or to such other officer or employee of the College as may be recommended by the President;

(*h*) to appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;

(*i*) to federate or affiliate the College with any other institution of higher learning;

(*j*) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,

(i) documents and other instruments in writing generally, or

(ii) specific documents and other instruments in writing,

and to affix the corporate seal of the College thereto;

(*k*) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;

(*l*) to invest all money that comes into its hands that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper and, except where a trust instrument otherwise directs, combine trust moneys belonging to various trusts in its care into a common trust fund;

(*m*) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College; and

(*n*) to establish from time to time the membership year of the Board.

4. The Board shall appoint one or more public accountants licensed under *The Public Accountancy Act* to audit the accounts and transactions of the College at least annually. Auditors R.S.O. 1970, c. 373

Report to Minister

5.—(1) The Board shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual report

(3) The Board shall make available to the public an annual report, including an annual financial report, in such form and manner as the Board may determine.

ACADEMIC COUNCIL

Academic Council

6.—(1) There shall be an Academic Council of the College composed of,

(*a*) the President, the Rector and the president of the College student body, who shall be *ex officio* members;

(*b*) such academic officers or administrative officers of the College as may be designated by the Academic Council;

(*c*) the full-time members of the faculty; and

(*d*) such students as may be elected from among themselves by secret ballot.

Student members

(2) The Academic Council shall, by by-law, determine the number of students to be elected to the Academic Council and the manner and procedure for the election of such students.

Idem

(3) The term of office for a student member shall be one year.

Chairman and Vice-Chairman

(4) The President shall be Chairman of the Academic Council and a Vice-Chairman shall be elected by the Academic Council for a term of two years from among its members holding office under clauses *b* and *c* of subsection 1 in such manner as the Academic Council may by by-law determine.

Vice-chairman

(5) No person shall serve as Vice-Chairman of the Academic Council for more than two consecutive terms but, on the expiration of one year after having served the second of

two consecutive terms, a person shall again be eligible to serve as Vice-Chairman.

7.—(1) The Academic Council has, subject to the approval of the Board with respect to the expenditure of funds and to subsection 10 of section 3, the power to determine the academic policy of the College and, without limiting the generality of the foregoing, has the power, Powers of Academic Council

(*a*) to enact by-laws for the conduct of its affairs;

(*b*) to recommend to the Board the appointment of the President and academic officers and the appointment and promotion of the full-time members of the faculty;

(*c*) to make recommendations to the Board with respect to the establishment and termination of programs and courses of study;

(*d*) to determine the curricula of all programs and courses of study, the standards of admission to the College and continued registration therein, and the qualifications for graduation;

(*e*) to conduct examinations, appoint examiners and decide all matters relating thereto;

(*f*) to award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievements;

(*g*) subject to subsection 2, to grant degrees in theology including honorary degrees;

(*h*) to appoint committees as it may deem advisable and delegate to any such committee any of its powers; and

(*i*) to establish from time to time the membership year of the Academic Council.

(2) The power to grant degrees in theology may be exercised only while the College is federated or affiliated with a university which has degree-granting rights conferred by the Legislative Assembly. Theology degrees

BOARD OF GOVERNORS AND ACADEMIC COUNCIL

8.—(1) Subject to subsections 2 and 3, the meetings of the Board and of the Academic Council shall be open to the Meetings open to the public

public and prior notice of the meetings shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board and the Academic Council by by-law shall respectively determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board or the Academic Council, as the case may be.

Meetings *in camera*

(2) Where a matter confidential to the College is to be considered at a meeting of the Board or Academic Council, the part of the meeting concerning such matter may be held *in camera*.

Idem

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or Academic Council, the part of the meeting concerning such individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board or the Academic Council, as the case may be, and such individual.

By-laws open to public for inspection

9.—(1) The by-laws of the Board and of the Academic Council shall be open to examination by the public during normal business hours.

Publication of by-laws

(2) The Board and the Academic Council shall publish their by-laws from time to time in such manner as they may, respectively, consider proper.

OBJECTS AND PURPOSES

Objects

10. The objects and purposes of the College are,

(*a*) the advancement of learning and the dissemination of knowledge; and

(*b*) the intellectual, social, moral and physical development of the members of the student body and faculty and the betterment of society.

PROPERTY

Property bequeathed to Charter Corporation

11. All property heretofore or hereafter, by statute or otherwise, granted, conveyed, devised or bequeathed to the Charter Corporation, the Board, the College, any of its divisions or departments, or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, shall be vested in the College.

Power to hold property in mortmain

12. The College has power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise, and

to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

Title to property on dissolution

13. Upon the dissolution of the College and after the payment of all debts and liabilities, the remaining property of the College shall be distributed or disposed of to the Upper Canada Province of the Society of Jesus and any property which by virtue of a devise or bequest would have, but for the dissolution, vested in the College shall vest in the Upper Canada Province of the Society of Jesus.

Commencement

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. The short title of this Act is *The Regis College Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 24 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

1st Reading

November 9th, 1978

2nd Reading

November 23rd, 1978

3rd Reading

November 23rd, 1978

Mrs. Campbell

1978

BILL Pr33 1st reading Leg. Leg. S. Hon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the Town of Exeter

MR. RIDDELL

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr33 **1978**

An Act respecting the Town of Exeter

WHEREAS The Corporation of the Town of Exeter, herein called the Corporation, hereby represents that By-law No. 8, A.D. 1899 of the Village of Exeter (now the Town of Exeter) provided a fixed municipal tax rate of three and one-half mills on the dollar for general purposes, together with rates for debenture debt, school and county rates, on all farmland of not less than twenty acres; that the said By-law, as set out in the Schedule hereto, was confirmed and declared to be legal, valid and binding upon the Corporation by an Act entitled *An Act respecting the Village of Exeter*, being chapter 47 of the Statutes of Ontario, 1899; that the provisions of the said By-law are no longer fair and equitable in view of the years which have elapsed since the passage of the said By-law and the changes that have taken place in assessment and mill rates; that farmlands that were assessed separate and apart from buildings are now being assessed with the original farm homes and accessory buildings that enjoy such municipal services as street lighting, fire protection and sidewalks, and that the said By-law exempted such properties from rates related to such services; that the debenture debt of the Corporation is now incorporated into the general municipal rate; that owners of farmland may apply to the Province of Ontario for relief of taxation under the Farm Tax Reduction Program; and whereas the Corporation hereby applies for special legislation to repeal the said Act and the said By-law; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *An Act respecting the Village of Exeter*, being chapter 47 of the Statutes of Ontario, 1899, is repealed. 1899, c. 47, repealed

2. By-law No. 8, A.D. 1899, of the Village of Exeter, as set out in the Schedule hereto, is repealed. Village of Exeter, By-law No. 8, A.D. 1899, repealed

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Town of Exeter Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 24 1978

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

By-Law No. 8, A.D. 1899.

To provide a fixed rating for lands used as farm lands only, and in blocks of not less than twenty acres within the Village of Exeter, in the County of Huron.

Whereas Albert Ford, Mary McAlpine, Alexander Dow, Thomas Yellow, George Blatchford, Thomas B. Carling, William J. Carling, Isaac R. Carling, Richard Gidley, William Dearing and William Bawden the owners of certain lands in the village of Exeter now held, used and owned by them as farm lands only in blocks of twenty acres and more being composed of parts of lots numbered sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), and twenty-one (21), in the first concession of the township of Usborne, but now in the said village of Exeter and parts also of lots numbers twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), and twenty-five (25), in the first concession of the township of Stephen but now in the said village of Exeter, have applied to the municipal council of the village of Exeter for relief from burdensome taxation in respect of certain rates levied for electric light, fire protection the construction of sidewalks and other rates.

And Whereas the said owners of the said lands have agreed with the said municipal council of the said village of Exeter to accept the relief that will be furnished by the Legislative Assembly of the Province of Ontario confirming, if it will, the following by-law which the said municipal council has agreed to adopt for the relief of the said lands and all other lands held, owned and used as farm lands only, in blocks of not less than twenty acres in the said village of Exeter.

Now, Therefore, the municipal council of the village of Exeter enacts as follows:—

1. That the said lands of the said owners and all other lands in the said village of Exeter held, owned and used as farm lands only, and in blocks of not less than twenty acres, shall hereafter while used as farm lands only, and in blocks of not less than twenty acres, as aforesaid be rated on the assessed value thereof in manner following that is to say:

(*a*) For expenditure for general village purposes not more than three and one-half mills on the dollar.

(*b*) For the payment of the present debenture debt or debts of the village the same rate as is required and is from time to time levied upon other village property.

(*c*) For expenditure for school purposes the same rate as is required and is from time to time levied upon other village property.

(*d*) For county purposes the same rate as is required and is from time to time levied upon other village property.

And that no further or other rate be levied on said lands by the council of the said village of Exeter.

2. That the said lands mentioned in clause 1 hereof shall be wholly exempt from taxation for the payment of any future debenture debt of the village except such as is contracted for school purposes or for the renewal or consolidation of the present existing debenture debt or debts or some part thereof.

3. That the rate hereby given the said lands mentioned in clause 1 hereof shall not be lessened by any of the exemptions mentioned in section 8 of chapter 224 Revised Statutes of Ontario, 1897.

4. That no owner or lessee of any of the lands mentioned in clause 1 hereof shall in respect of such lands have the right to vote upon any by-law for the creating or contracting any future debenture debt except such as is for school purposes or for the renewal or consolidation of the present existing debenture debt or debts or some part thereof as aforesaid.

Provided always that whenever any parts of such lands shall hereafter become divided up and held by owners in parcels less than twenty acres or be not used for farm purposes the parts so divided up or ceasing to be used for farm purposes shall become liable to the general taxation of the village in common with other than farm lands.

This by-law shall come into force immediately upon the confirmation thereof by the Legislative Assembly of the Province of Ontario and shall be thereafter construed as in effect and in force from the beginning of the current year.

The reeve and clerk are hereby authorized to sign a petition to the said Legislature for the confirmation of this by-law.

READ A FIRST TIME the 3rd day of February, 1899.

READ A SECOND TIME the 3rd day of February, 1899.

READ A THIRD TIME and passed the 3rd day of February, 1899.

(S'gd.) H. SPACKMAN,
Reeve of the village of Exeter.

(S'gd.) GEO. H. BISSETT,
Clerk of the village of Exeter.

An Act respecting the Town of Exeter

1st Reading

October 23rd, 1978

2nd Reading

November 23rd, 1978

3rd Reading

November 23rd, 1978

Mr. Riddell

BILL Pr34 1 aul. mi Pg. Pg. S. Ilbm

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the Township of Longueuil

MR. BELANGER

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr34 **1978**

An Act respecting the Township of Longueuil

Preamble

WHEREAS The Corporation of the Township of Longueuil, herein called the Corporation, hereby represents that certain drainage works known as "The Mill Creek Drain", herein called the drainage works, have been constructed in the townships of Longueuil, Caledonia and West Hawkesbury; that pursuant to *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970, an engineer's report was requested before construction started and such report, dated the 9th day of August, 1974, was presented to the council of the Corporation; that pursuant to the said report a court of revision was held and consequently, the engineer's report was amended and adopted by the council of the Corporation; that the Ontario Municipal Board on the 9th day of May, 1975, granted approval to proceed with the construction and issuing of debentures not exceeding $58,340 over a period not to exceed ten years on the basis that the council of the Corporation had enacted certain by-laws pursuant to the said Act; but that through inadvertence, the council of the Corporation did not, and in fact has never passed the requisite by-laws under the said Act to authorize the construction of the drainage works and to issue debentures to pay for the cost of the said drain; and whereas the applicant hereby applies for special legislation to assess special charges against the lands benefiting from the said drain, to issue debentures to pay for the cost of the said drain, and to deem the said drain to have been constructed with all requisite approval, as though a by-law had been validly passed by the council of the Corporation in accordance with the said Act; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Drainage works deemed to have been built pursuant to valid by-law

1. Notwithstanding *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970, and section 65 of

The Ontario Municipal Board Act, being chapter 323 of the Revised Statutes of Ontario, 1970, the Corporation is hereby deemed to have constructed the drainage works with all requisite approvals as though a by-law had been validly passed by the council of the Corporation in accordance with the provisions of *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970.

Power to issue debentures and assess, levy and collect special rates

2.—(1) The council of the Corporation is hereby authorized to pass a by-law,

(*a*) to authorize the borrowing of a sum not exceeding $58,340 without obtaining the approval of the Ontario Municipal Board, payable in not more than ten years for the purpose of paying the cost of construction of the drainage works; and

(*b*) to provide for the assessment, levy and collection of the special rates as set out in the aforesaid engineer's report, as revised by a court of revision, and as set out in the Schedule.

Schedule, interpretation

(2) In the Schedule,

(*a*) a number in a column headed by either the abbreviation "Con" or by the word "Sheet" is a reference to the page number of the assessment roll of the Corporation;

(*b*) the heading "Maintenance Outlet" where it appears without reference to "Liability" or "Benefit" shall be deemed to read "Maintenance Outlet Liability".

Application of R.S.O. 1970, c. 323, ss. 55-60

3. Sections 55, 56, 57, 58, 59 and 60 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 2.

Order of O.M.B. deemed issued

4. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the construction mentioned in section 1 and authorizing the Corporation to borrow the money mentioned in clause *a* of section 2.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is *The Township of Longueuil Act, 1978*.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1978

Roderick Lewis

CLERK

SCHEDULE
MILL CREEK DRAIN
SCHEDULE OF ASSESSMENT

TOWNSHIP OF LONGUEUIL

ame of Owner	Con.	Lot or Part	Acres Drained	Maintenance Outlet Liability	Maintenance Benefit	Improvement Benefit
.R.D.A.	3	13	4	$ 51.57		
.R.D.S.	3	14	40	515.72		
.R.D.A.	3	15	35	849.94		
arcel C.Leduc	3	16	170	4128.30		
dre Robertson (Arnold Farms)	3	17	84	2039.86		
dre Robertson (Arnold Farms)	3	18	50	1214.20		
ilon Lafleur	4	19	50	1214.20		
ilon Lafleur	4	20	97		$2355.56	$ 1576.00
rry Cross	4	21	50		1214.20	1696.96
hn H.Allen	4	22	50		1214.20	
urent Borris	4	23	185	2385.24		1000.00
y Creighton	4	24	10	128.93		
mes & Charles tler	4	25	144	1859.18		
hn H. Allen	4	26	17	219.16		
hn H. Allen	4	27	140	1802.53		
rray J. Allen hn H. Allen	5	28	93	1199.08		
lners Laufers		Pt. 1. 28	4	51.65		
hn D. Allen	5	29	146	1882.43		
hn D. Allen	5	30	46	592.26		
ne Levac	5	31	53	682.39		

Name of Owner	Con.	Lot or Part	Acres Drained	Maintenance Outlet Liability	Maintenance Benefit	Improvem Benefi
Paul Verville & George E.Duval	5	32	6	77.25		
Omer Seguin	5	33	60	773.59		
Brian Hayes	5	34	25	321.88		
Harold Allen	5	35	83	1069.61		
Russell W.Graham	5	36	298	3557.93		
Harold Howes	5	37	44	525.31		
Louis Legault	6	40	10	121.78		
Brian Hayes	6	41	20	257.86		
Brian Hayes	6	42	55	709.14		
Longueuil Loyal Orange Lodge#497	8	69	1	12.62		
Harold Allen	8	70	55	708.78		
Horace L.Nixon	8	71	102	1315.10		
Jeffrey Lintell	8	72	87	1121.68		
Glenn F. Steele Irving R.Steele	8	73	72	1186.16		
Horace Nixon		Pt.1.73	42	540.76		
Hubertus Overvest	8	74	18	231.75		
Hazel M.Perry Margaret J.Shields	8	75	74	954.04		
Raymond Lalonde	8	76	106	1364.77		
Elzear Bernier	8	80	1.93	24.82		
Richard G. Loretto	8	81	102	1315.10		

Name of Owner	Con.	Lot or Part	Acres Drained	Maintenance Outlet Liability	Maintenance Benefit	Improvement Benefit
Omer Seguin	8	82	49	$ 631.71		
Omer Seguin	8	83	111	1431.08		
Edmond Latrellle	8	84	.43	5.54		
Hubert Overvest	8	85	99	1274.65		
Dorothy M.Allen	8	85-A	.59	7.58		
Murray J.Allen	8	86	14.	180.25		
Dean Allen	8	87	100	1289.31		
Peter Wass	8	87-1	2.7	34.76		
Ronald Coleman	8	87-2	.49	6.29		
Hubertus OverVest	8	88	100	1289.31		
Murray Allen	8	89	127	1637.41		
John D.Allen	4	90	5.5	70.81		
John D.Allen	4	91	1.5	19.31		
Murray J.Allen	4	92	61	786.50		
Murray J.Allen	4	93	80	1032.88		
Herbert Mettke		93-1	2.3	29.61		
A.R.D.A.	4	94	107	703.37	1367.54	1329.88
Winnifred Howes	4	95	189	1515.30	1755.04	1808.92
Willaim L.Cross	4	96	138		3351.20	1616.32
Lloyd Cross	4	97	50	1214.20		
Odilon Lafleur	4	97-1	5	121.42		
Barry Cross	4	98	47	1141.35		
Jacques Lalonde	4	98-1	23	558.53		
Barry Cross	4	99	46	1117.03		

Name of Owner	Sheet	Lot or Part	Acres Drained	Maintenance Outlet	Improvement Benefit
Odilon Lafleur	4	100	46	$ 1117.03	
Odilon Lafleur	4	101	47	1141.35	
A.R.D.A.	4	102	45	1092.78	
Andre Robertson	3	103	45	1092.78	
Andre Robertson	3	104	72	1748.45	
A.R.D.A.	3	105	76	1845.59	
Andre Robertson	3	106	51	1238.49	
Aurel Seguin	3	107	51	1238.49	
Marcel C. Leduc	3	108	51	1238.49	
A.R.D.A.	3	109	51	1238.49	
Lloyd A. Mosher	3	110	51	1238.49	
Arnold Farms	3	111	47	1141.35	
Arnold Farms	3	112	47	1141.35	
Antonia Neveu Anatole Legault	3	113	18	437.11	
A.R.D.A.	9	137	54	696.23	
Jacques Mayer Paul G. Demers	9	138	30	728.52	
Aurele Seguin	10	139	30	741.86	
A.R.D.A.	10	140	123	2986.94	
Eugene Lajeunesse	10	140-1	2.2	53.40	
Anatole Legault	10	141	189	4589.69	
A.R.D.A.	10	142	86	2088.43	
Yvon Campbell	10	142-1	0.8	19.42	
A.R.D.A.	10	143	106	2574.11	
John B. Russell	10	144	130	3156.93	

Name of Owner	Con.	Lot or Part	Acres Drained	Maintenance Outlet Liability	Maintenance Benefit	Improvement Benefit
Hector Bougie	10	145	65	$ 1578.43		
Marie Papineau	10	146	0.1	2.43		
Hector Bougie	10	147	66	1602.75		
Hector Bougie	11	148	64	1554.18		
Board of Trustees R.C.Seperate School	11	149	.24	5.83		
William Cross	11	150	161	3909.74		
Henri Parisien		150-1	.3	7.26		
Rene Gauthier	11	151	57	1383.66		
Thomas Prentice	11	152	345		$6885.56	$ 3609.48
Thomas Prentice	11	153	.48	9.58		
Ronald Bayne	12	154	4.55	58.58		
Adrien Pilon	12	155	69		888.39	2502.12
Donald Guenette	12	156	201		2580.09	2872.56
Phyllis Cross	12	157	161		2075.45	2271.00
Lloyd Cross		157-1	3.6		46.35	
Harrison E.Cass	Est.12	158	152		1972.63	2788.84
J.A. Cass	12	159	76	981.24		
Norma McLaurin	12	159	76	981.24		
Jean G. Giroux		Pt. 160	13	109.51		
Caetan Lamarche		160-1	1	8.41		
Maurice Lacelle		160-2	1	8.41		
Rheal Lacelle		160-3	1	8.41		
Kenneth Gangler		160-4	1	8.41		
Jean G. Giroux		160-5	1	1 8.41		
Raymond Auprix Lionel Auprix Aurele Auprix	12	161	272	2290.93		3408.78

Name of Owner	Sheet	Lot or Part	Acres Drained	Maintenance Outlet	Improvement Benefit
Gustave Riopel	12	162	44	$ 332.07	
Marcel Charlebois	12	163	68	569.44	
Jean Hotte		163-1	.51	4.26	
Jean Hotte		163-1	.09	0.75	
Jean C. Ravary	11	164	133	1120.18	
Antoine Bruggeman	11	165	56	471.66	
Lucien Daoust	11	166	97	816.97	
Hermine Riopel	11	167	50	421.13	
Jean M. Riopel		167-1	0.9	7.58	
Rene Gauthier	11	168	50	421.13	
Paul G. Demers	11	169	101	852.48	
Brund Lalande	11	170	20	168.45	
Aime Lalande	11	171	20	168.45	
Rodger Ravary	11	172	30	252.67	
Leopold Barrette	10	174	30	252.67	
"The Irish Rovers" Daljit Singh Gill Nirmaljit Singh Gill Mirbhaye Singh Bhuller Iqbal Singh Khaira Santakh Singh Brar	10	175	30	252.68	

Name of Owner	Sheet	Lot or Part	Acres Drained	MAINTENANCE OUTLET	Improvement Benefit
Waldmear Helmann		225	93	784.96	
Vinncy Blais		225-1	.46	3.86	
André Cadieux		226	5	42.13	
Germain Tessier		14-3	30	252.68	
Germain Tessier		14-1	.195	1.65	
Phillipe St.Andre		15	30	252.68	
Industrial Fasteners		17	10	84.23	
Industrial Fasteners		18	50	419.30	
L & C Cass		PT.1	5	42.20	
Golden Eagle		PT.1	1.4	11.80	
Henri Portelance		2	1.6	13.48	
Anton Hendl		3	6	61.16	
Anton Mendle		4	4	40.77	
A. Blais		PT.5	1	10.19	
A. Landriault		PT.5	.8	8.16	
Leo P. Burroughs		PT 6	4	36.48	$ 253.80
Millet		Pt.6	1	9.12	27.00
L & C Cass		7	138	1159.84	3505.24

Name of OWNER	Sheet	Lot or Part	Acres Drained	Maintenance Outlet	Improvement Benefit
Auprix Freres		8	34	$ 285.76	
M. Grandmaison		9	.142	8.16	
Dorilla Millette		10	.609	8.16	
Dorilla Millette		11	.388	8.16	
Florien Lanthier		PT. 12	.19	4.08	
Dorilla Millette		PT.12	.19	4.08	
Henri Beauline		PT.13	.8	6.44	
L. Cousineau		PT.13	.3	2.43	
Ernest Burroughs		PT.14	.65	5.29	
P. Titley		PT.14	.439	3.58	
L & C Cass		23	10	84.23	
L & C Cass		24	68	573.95	
L & C Cass		25	47	396.70	
John A. Cameron		(½) 26	30	252.68	
Richard I.Marston		(½) 26	20	168.09	
United Counties P & R		40	50	421.13	
L & C Cass		44	23	154.50	
Texaco (M.Landriault)		PT.45	.413	3.65	
Marcel Bell-Isle		PT.45	.355	2.97	
Ernest Burroughs		PT.45	0.21	1.75	
Ernest Burroughs		PT.45	8.3	70.03	
F. Charboneau		PT.45	.35	2.93	
Darael Leclaire		PT.45	.35	2.93	

Name of Owner	Sheet	Lot or Part	Acres Drained	Maintenance Outlet	Improvement Benefit
Gataen Parisien		PT.45	.35	$ 2.93	
Gilles Barette		PT.45	.36	3.00	
Charles Nixon		PT.45	.42	3.54	
David Deverell		PT.45	100	842.25	
A. Rouleau		PT.45	.5	4.22	
B.P. (A.Kingsbury)		PT.45	.6	5.04	
ORA Anbar		PT.45	4	33.76	

TOWNSHIP OF LONGUEUIL

Township Roads	$ 1,056.70
Ministry of Transportation & Communication	$ 371.95

An Act respecting the
Township of Longueuil

1st Reading

November 21st, 1978

2nd Reading

November 30th, 1978

3rd Reading

November 30th, 1978

MR. BELANGER

1978

BILL Pr35 Pauline Leg. Leg. Assem

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive The A.M. Crawford Co. Limited

MRS. CAMPBELL

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr35 **1978**

An Act to revive The A.M. Crawford Co. Limited

WHEREAS Sara Kathleen Daley and Arthur Charlton Crawford hereby represent that The A.M. Crawford Co. Limited, herein called the Corporation, was incorporated by letters patent dated the 1st day of April, 1949; that the Minister of Consumer and Commercial Relations, by order dated the 27th day of March, 1974, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared it to be dissolved on the 1st day of May, 1974; that the applicants were the holders of the majority of common shares of the Corporation; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned certain property and was at that time and is now actively carrying on the business known as The Gold Shoppe, at 85 Bloor Street West, in the City of Toronto; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The A.M. Crawford Co. Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. The A.M. Crawford Co. Limited revived

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The A.M. Crawford Co. Limited Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 9 1978

Rodney Lewis

An Act to revive The A.M. Crawford Co. Limited

1st Reading

October 23rd, 1978

2nd Reading

November 7th, 1978

3rd Reading

November 7th, 1978

MRS. CAMPBELL

1978

Bill Pr36 Pauline Pg. Pg. S. Ltr

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Moran Pharmacy Limited

MR. JOHNSON

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr36 **1978**

An Act to revive Moran Pharmacy Limited

WHEREAS Ralph Spencer Moran hereby represents that Moran Pharmacy Limited, herein called the Corporation, was incorporated by letters patent dated the 31st day of May, 1966; that the Minister of Consumer and Commercial Relations, by order dated the 16th day of May, 1973 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 20th day of June, 1973; that the applicant was the only director and the holder of all the issued common shares of the Corporation at the time of its dissolution; that notice of the dissolution of the Corporation was sent to the Corporation, however, the applicant was not aware of the dissolution of the Corporation until more than two years after the date of dissolution thereof; that the Corporation at the time of its dissolution was carrying on active business and since that time active business has continued to be carried on in the name of the Corporation; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Moran Pharmacy Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved. Moran Pharmacy Limited revived

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Moran Pharmacy Limited Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 9 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
Moran Pharmacy Limited

1st Reading

October 23rd, 1978

2nd Reading

November 7th, 1978

3rd Reading

November 7th, 1978

Mr. Johnson

1978

Pauline Cooper Leg. Ref. Lib.

BILL Pr37

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Loubill Hobbies and Sports Limited

MR. MACKENZIE

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr37 **1978**

An Act to revive Loubill Hobbies and Sports Limited

WHEREAS Clayton John St. Louis hereby represents that Loubill Hobbies and Sports Limited, herein called the Corporation, was incorporated by letters patent dated the 19th day of March, 1964; that the Minister of Consumer and Commercial Relations, by order dated the 17th day of May, 1972, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared it to be dissolved on the 21st day of June, 1972; that the applicant was one of the directors of the Corporation at the time of the said dissolution; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Loubill Hobbies and Sports Limited, incorporated by letters patent dated the 19th day of March, 1964, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. Loubill Hobbies and Sports Limited revived

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Loubill Hobbies and Sports Limited Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 24 1978

Roderick Lewis

An Act to revive
Loubill Hobbies and Sports Limited

1st Reading

March 30th, 1978

2nd Reading

April 21st, 1978

3rd Reading

April 21st, 1978

Mr. Mackenzie

1978

BILL Pr39 Pass. in Leg. Leg. Assem.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the Brockville General Hospital

MR. VILLENEUVE

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr39 **1978**

An Act respecting the Brockville General Hospital

WHEREAS the Brockville General Hospital hereby represents that it was incorporated in 1885 under *An Act respecting Benevolent, Provident and other Societies*, being chapter 167 of the Revised Statutes of Ontario, 1877; that the records of such incorporation having been lost, the incorporation was confirmed by *The Brockville General Hospital Act, 1951*, being chapter 98; and whereas the applicant hereby applies for special legislation expanding the purposes of the Hospital; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Brockville General Hospital Act, 1951*, being chapter 98, is amended by adding thereto the following clauses: 1951, c. 98, s. 2, amended

(*ea*) To establish, maintain and conduct a nursing home or nursing homes, as defined by *The Nursing Homes Act, 1972*, in the City of Brockville, in the County of Leeds or elsewhere in the County of Leeds. 1972, c. 11

. . . . .

(*ha*) To appoint directors of Fulford Home, a body corporate without share capital, incorporated under Part III of *The Corporations Act* and approved under *The Charitable Institutions Act*. R.S.O. 1970, cc. 89, 62

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Brockville General Hospital Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 9 1978

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Brockville General Hospital

1st Reading

October 23rd, 1978

2nd Reading

November 7th, 1978

3rd Reading

November 7th, 1978

Mr. Villeneuve

BILL Pr40 Ls 4. Ireland.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the composition of The Lincoln County Board of Education

MR. HALL

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr40 **1978**

An Act respecting the composition of The Lincoln County Board of Education

WHEREAS The Lincoln County Board of Education, herein called the Board, hereby represents that pursuant to section 57 of *The Education Act, 1974* a determination was made of the number of members that should compose the Board and the number of members that should be elected to represent the City of St. Catharines and the county municipalities within the school division for the four year period commencing the first day of December, 1978; that the present composition of the Board and the composition of the Board as determined under the said section 57 is shown in the following table: Preamble 1974, c. 109

Column 1	Column 2	Column 3
	Present	As Determined
1. Public School Electors		
City of St. Catharines	10	11
Town of Grimsby	2	1
Town of Lincoln	2	2
Town of Niagara-on-the-Lake	2	2
Township of West Lincoln	1	1
2. Separate School Electors	3	3
Total	20	20

that the members of the Board are of the opinion that, having regard to all of the circumstances, the composition of the Board should remain as set out in column 2 of the table; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Deemed determination 1974, c. 109

1. The determinations made under subsections 6 and 9 of section 57 of *The Education Act, 1974*, as set out in column 3 of the table contained in the Preamble hereto opposite the names of the municipalities listed in column 1 thereof under "Public School Electors" in item 1, are hereby declared to be of no effect and for the purposes of every Act, the determinations made in the year 1978 under the said subsections 6 and 9 shall be deemed to be as follows:

1. The number of members of the Board to be elected by the public school electors of,

   (*a*) the City of St. Catharines is ten;

   (*b*) the Town of Grimsby is two;

   (*c*) the Town of Lincoln is two;

   (*d*) the Town of Niagara-on-the-Lake is two; and

   (*e*) the Township of West Lincoln is one.

Application

2.—(1) This section applies only to the election of members of the Board by the public school electors of the City of St. Catharines and the Town of Grimsby in the regular election to be held in 1978.

Idem 1977, c. 62

(2) Except as provided in this section, *The Municipal Elections Act, 1977* applies, with necessary modifications, to the regular election to be held in 1978 of members of the Board to be elected by the public school electors of the City of St. Catharines and the Town of Grimsby.

Nomination changed

(3) Notwithstanding subsection 1 of section 35 of *The Municipal Elections Act, 1977*, for the purposes of the regular election to be held in 1978 of members of the Board representing the public school electors of the City of St. Catharines and the Town of Grimsby, the nomination day for such election shall be the 30th day of October, 1978.

Notice

(4) Notwithstanding subsection 3 of section 35 of *The Municipal Elections Act, 1977*, not later than the 28th day of October, 1978, the clerk of each municipality shall post, in at least two conspicuous places in his municipality, notice of the date and times for filing and withdrawing nominations for the offices to which this section applies and of the number

of members to be elected to the Board by public school electors in his municipality at the regular election to be held in the year 1978, and such notice shall be published not later than the 28th day of October, 1978 in a newspaper having general circulation in his municipality and a notice published pursuant to this subsection in *The Grimsby Independent* on the 25th day of October, 1978 shall be deemed to comply with this subsection.

Idem

(5) The posting and publishing of the notice referred to in subsection 4 shall be effective to vary the terms of any notice that may have been posted or published pursuant to subsection 3 of section 35 of *The Municipal Elections Act, 1977* prior to the coming into force of this Act.

1977, c. 62

Prior nominations

(6) Nominations for the offices to which this section applies filed prior to the coming into force of this Act shall remain valid.

Prior acclamation

(7) Any declaration made prior to the coming into force of this Act that a candidate has been declared to be elected to an office to which this section applies under subsection 1 or 2 of section 40 of *The Municipal Elections Act, 1977* is hereby declared to be of no effect.

Withdrawal of nominations

(8) Notwithstanding subsection 1 of section 39 of *The Municipal Elections Act, 1977*, a person nominated as a candidate for an office to which this section applies may withdraw his nomination in writing, verified by his affidavit and delivered to the clerk of the municipality before 8 o'clock in the evening of nomination day.

Eligibility

(9) A person who has been nominated on or before the 23rd day of October, 1978 for any office, other than an office to which this section applies, shall not be eligible for nomination for election to an office to which this section applies unless the person has withdrawn his nomination to such other office or offices by filing his withdrawal in writing with the clerk of the municipality in the clerk's office before 5 o'clock in the afternoon on the 24th day of October, 1978.

Idem

(10) A person whose nomination is filed under subsection 5 of section 37 of *The Municipal Elections Act, 1977* for any office other than an office to which this Act applies shall not be eligible for nomination to an office to which this section applies.

Acclamation

(11) Notwithstanding subsection 1 of section 40 of *The Municipal Elections Act, 1977* if no more candidates are nominated for an office to which this section applies at the

end of nomination day than the number to be elected, the clerk of the municipality shall forthwith after 8 o'clock in the evening of nomination day declare those candidates duly elected.

Where number of candidates nominated insufficient 1977, c. 62

(12) Notwithstanding subsection 5 of section 37 of *The Municipal Elections Act, 1977* where, at 8 o'clock in the evening of nomination day, the number of candidates who have been nominated for an office to which this section applies and who have not withdrawn under subsection 8 is not sufficient to fill the number of vacancies to which candidates may be elected, subsection 11 respecting acclamation applies to those candidates, but additional nominations for the remaining vacancies in the office in respect of which there was an insufficient number of candidates may be filed in the office of the clerk of the municipality on the 31st day of October, 1978 between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon and the provisions of subsection 4 of the said section 37 apply, with necessary modifications, as though the additional nomination papers had been filed on nomination day and no person so nominated may withdraw his nomination.

Acclamation

(13) Notwithstanding subsection 1*a* of section 40 of *The Municipal Elections Act, 1977*, where additional nominations have been filed under subsection 12 and the additional number of candidates nominated is not more than the remaining number of vacancies for which the additional candidates were nominated, the clerk of the municipality shall forthwith after 5 o'clock in the afternoon of the 31st day of October, 1978 declare those candidates duly elected.

Idem

(14) If more candidates are nominated than the number to be elected but one or more candidates withdraws his nomination so that the number remaining is no more than the number required to be elected, the clerk of the municipality shall forthwith after 8 o'clock in the evening of nomination day declare the remaining candidate or candidates to be duly elected.

Vacancy

(15) If the number of candidates declared to be elected to an office under subsection 11 or 14 is less than the number to be elected to such office so that there is a vacancy, a new election shall be held to fill the vacancy.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Lincoln County Board of Education Act, 1978.*

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE Oct. 26

Rodney Lewis

An Act respecting the composition of
The Lincoln County Board of Education

1st Reading

October 23rd, 1978

2nd Reading

October 26th, 1978

3rd Reading

October 26th, 1978

Mr. Hall

1978

BILL Pr41 Pauline McGibbon

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Ross & Ross Grains Limited

MR. MCKESSOCK

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr41 **1978**

An Act to revive Ross & Ross Grains Limited

WHEREAS John Donald Ross and Terrance Ross hereby represent that Ross & Ross Grains Limited, herein called the Corporation, was incorporated by certificate of incorporation dated the 11th day of March, 1971; that the Minister of Consumer and Commercial Relations, by order dated the 16th day of July, 1975 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 20th day of August, 1975; that the applicants were all the directors and the holders of all the issued common shares of the Corporation at the time of its dissolution; that notice of the dissolution of the Corporation was sent to the Corporation, however, the applicants were not aware of the dissolution of the Corporation until more than two years after the date of dissolution thereof; that the Corporation at the time of its dissolution was carrying on active business and since that time active business has continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Ross & Ross Grains Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by certificate of incorporation, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved. Ross & Ross Grains Limited revived

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Ross & Ross Grains Limited Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 9 1978

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
Ross & Ross Grains Limited

1st Reading

October 23rd, 1978

2nd Reading

November 7th, 1978

3rd Reading

November 7th, 1978

Mr. McKessock

1978

BILL Pr42 1st reading Leg. Leg. S.H

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the City of Mississauga

MR. KENNEDY

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr42 **1978**

An Act respecting the City of Mississauga

WHEREAS The Corporation of the City of Mississauga, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Interpretation Act,

(*a*) "city" means the City of Mississauga in The Regional Municipality of Peel;

(*b*) "council" means the council of the Corporation.

Licensing, regulating and governing driveway paving

2.—(1) The council may pass by-laws for licensing, regulating and governing the business of driveway paving.

Included powers

(2) For the purposes of subsection 1, the power to license, regulate and govern the business of driveway paving includes,

(*a*) the power to prohibit the carrying on of or the engaging in the business without a licence;

(*b*) the power to license, regulate or govern the place or premises used in the carrying on of the business and the persons carrying it on or engaged in it;

(*c*) the power to require an applicant, as a condition of granting a licence, to submit to an examination to determine his competence to carry on or engage in the business and to refuse to grant a licence or to grant a licence upon conditions to such an applicant in respect of the business where he fails to pass the required examination:

1. The power to require an examination of an applicant for a licence to carry on or engage in the business includes the power to require an examination of an applicant who did not hold a licence to carry on or engage in the business in the city for a period immediately preceding the period for which he is applying for the licence and of an applicant or holder of a licence where the licence last held by him for the carrying on of or engaging in the business in the city or in another municipality was revoked on the grounds that the applicant or holder of the licence was shown to have carried on or engaged in the business in an incompetent manner whether or not such grounds were the sole grounds on which the licence was revoked and where the holder of a licence fails to pass an examination required of him, the council may revoke his licence.

2. The power to require an examination of an applicant for a licence to carry on or engage in the business includes the power to exempt from such requirement any applicant who holds such certificate or other evidence of qualification as may be prescribed in the by-law;

(*d*) the power to regulate, govern and inspect the premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of the business and to provide for imposing a fine upon any person carrying on or engaged in the business who refuses to allow the carrying out of an inspection at any reasonable time pursuant to a by-law passed under this section;

(*e*) the power to require the persons carrying on or engaged in the business to provide such public liability, property damage, or other insurance in such form and to such amounts of coverage as may be prescribed in the by-law, and where such insurance is not so provided, the council may refuse to grant a licence to that person for the carrying on of the business or may revoke or suspend any such licence;

(*f*) the power to grant or refuse to grant a licence for the carrying on or engaging in the business or to revoke or suspend such licence and to make any suspension or grant subject to such terms or conditions as council may prescribe:

1. The power mentioned in this clause is exercise-able in the discretion of the council, which discretion shall be exercised upon such grounds as are set out in a by-law passed under subsection 1, and, subject to subsection 3, a decision made pursuant to the exercise of that power is final;

(*g*) the power to fix the time for which the licence shall be in force; and

(*h*) the power to fix an annual fee to be paid for the licence.

Hearings

(3) A by-law passed pursuant to subsection 1 shall provide that council shall first afford to such applicant or licensee an opportunity to be heard before refusing to grant a licence or revoking or suspending a licence or making any suspension or grant of a licence subject to terms and conditions, and the by-law may provide that the hearing may be conducted by a committee to consist of one or more persons, at least one of whom shall be a member of council, and, where a hearing is conducted by a committee, section 242*b* of *The Municipal Act* applies with necessary modifications. R.S.O. 1970, c. 284

Itinerant sellers

(4) A licence may be required under a by-law passed under this section notwithstanding that the applicant is registered as an itinerant seller under *The Consumer Protection Act*. R.S.O. 1970, c. 82

Interpretation

3.—(1) In this section, "forest tree pest" means any vertebrate or invertebrate animal or any virus, fungus or bacterium or other organism that is injurious to trees commonly found growing in a forest or windbreak or the products from such trees and that is designated as a forest tree pest in a by-law passed by council.

Trees

(2) The council may pass by-laws,

(*a*) to prohibit, within the city or any part thereof, as may be defined in the by-law, the wilful injuring of trees, of the kinds and sizes specified in the by-law, by whomsoever owned;

(*b*) to prohibit the destruction of trees of the kinds and sizes specified in the by-law by whomsoever owned;

(*c*) to require the owners or occupants of land specified in the by-law to destroy, trim or cut down any trees which are,

(i) dead,

(ii) decayed, or

(iii) infested by any forest tree pest,

and thereby constitute a general danger to persons or property; and

(*d*) designating forest tree pests.

Exceptions

(3) A by-law passed under clause *b* of subsection 2 does not apply to trees,

(*a*) situated on lots within registered plans of subdivision;

R.S.O. 1970, c. 77

(*b*) situated on lands designated in a description registered under *The Condominium Act*; or

(*c*) situated within two hundred feet of a residence where the trees and the residence are both on the same lot or parcel of land and the lot or parcel of land is not within a registered plan of subdivision.

Exemptions

(4) A by-law passed under clause *b* of subsection 1 of this section shall provide that council may establish a committee to hear applications for exemptions from the provisions of the by-law and no exemption shall be refused where,

(*a*) the effect of the refusal would be to deny the owner the right to use his land for a particular building, or structure, or for a highway, sanitary sewer, storm sewer, septic tank, wells, watermain or electrical distribution system or other public utility purposes, the construction of which otherwise has all requisite municipal and other government approval;

(*b*) the effect of the refusal would be to interfere with any rights or powers of Ontario Hydro or any board or commission that is performing its functions for or on behalf of the Government of Ontario;

(*c*) the effect of the refusal would be to interfere with any rights or powers exercised by any public utility commission or other public authority, board or agency that is carrying out works which are beneficial to the municipality as a whole;

(*d*) the effect of the refusal would be to interfere with farming operations carried out by farmers; or

(*e*) the effect of the refusal would be to interfere with the operations of a woodlot having an area of at least two acres.

Restraining orders

4. In addition to any of the powers conferred on the council by any general or special Act, the council may, in exercising by by-law any of its powers to license, regulate or govern any business, provide in any such by-law authority to a court wherein the information is first laid and to any court of competent jurisdiction thereafter, to issue an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any penalty imposed on the person convicted.

Private roadways

5.—(1) The council may pass by-laws,

(*a*) to number the buildings and lots or units along private roadways and to provide for the affixing of numbers to the buildings and lots or units and to charge the owner of the building, lot or unit with the expense incidental to the numbering of the building, lot or unit respectively and such expense may be collected in the same manner as taxes;

(*b*) to name or rename private roadways and to provide for the erecting and affixing of the names of such roadways at the corners thereof, and for recovering the cost of so erecting and affixing from the owner of such roadway, or in the case of a condominium corporation, from the condominium corporation, and such expense may be collected or recovered in the same manner as taxes;

(*c*) for keeping, and the Corporation shall keep for public inspection, a record of the names and locations of the private roadways and of the numbers of the buildings and lots or units thereon;

(*d*) to require the owner of a private roadway or a condominium corporation to enter into one or more agree-

ments with the corporation containing such terms and conditions as council considers appropriate, including the provision and maintenance by the owner or the condominium corporation, at his or its sole risk and expense, and to the satisfaction of the council, respecting any matter referred to in clauses *a* and *b*; and

(*e*) to terminate any agreement entered into pursuant to clause *d*, on such terms and conditions as the council considers appropriate.

Entry of inspectors

(2) Any person appointed by the council to enforce a by-law passed under subsection 1 may enter and inspect the property and affix the numbers and erect the signs, but shall not enter a room or place actually used as a dwelling.

Registration of agreement

(3) Any agreement referred to in clause *d* of subsection 1 may be registered against the title of the land to which it applies, and the Corporation may enforce the provisions thereof against the owner of the roadway or the condominium corporation and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, against any and all subsequent owners of the land.

R.S.O. 1970, cc. 409, 234

Idem

(4) Upon the termination of the agreement referred to in clause *d* of subsection 1, a certificate may be signed by the clerk of the Corporation stating that the agreement has been terminated and the certificate may be registered against the title of the land affected.

Assessment of condominium units

(5) For the purposes of clause *b* of subsection 1, where a condominium corporation is charged with an expense incident to the naming or renaming of a private roadway and such expense is collected in the same manner as taxes, the expense shall be apportioned and levied on each unit and on the common interest on the basis of the assessment of the individual units and of the common interest appurtenant to the individual units.

Voluntary payment of penalty

6.—(1) Notwithstanding any general or special Act, council may pass by-laws,

(*a*) providing a procedure for the voluntary payment of penalties out of court where it is alleged that any provision of a by-law of the Corporation has been contravened; and

(*b*) determining the amount of the penalties, not exceeding $1,000 to be paid out of court for each alleged contravention where a person volunteers to make payment out of court under clause *a*.

(2) Subsection 2 of section 466 of *The Municipal Act* applies if payment is not made in accordance with the procedure provided by a by-law passed under subsection 1. Application of R.S.O. 1970, c. 284

7.—(1) In this section, "municipal emergency" means any situation that constitutes a general danger to life and property in the city or in any area of the city whether such situation results from the forces of nature or otherwise. Interpretation

(2) The council may pass by-laws, Emergency measures

(*a*) to establish and maintain an emergency measures organization to provide for the protection and rescue of persons and the protection and salvage of property when such are threatened or damaged by a municipal emergency;

(*b*) to provide money for municipal emergencies and for the emergency measures organization referred to in clause *a*; and

(*c*) authorizing the mayor of the Corporation to declare a municipal emergency.

(3) Where the mayor has declared a municipal emergency pursuant to a by-law passed under clause *c* of subsection 1, the municipal emergency shall be deemed at an end 24 hours after the declaration unless the declaration has been ratified by the council within that period of time. Idem

(4) If The Regional Municipality of Peel establishes an emergency measures organization serving the Corporation, this section and any by-law passed under this section shall cease to have any further force and effect. Idem

8.—(1) The council may pass by-laws regulating and governing smoking in those parts of buildings or structures to which the public has access, in school buses and in public transit vehicles operated by the Corporation or operated under a franchise granted by the Corporation. Smoking

(2) The power to regulate and govern smoking under subsection 1 includes, Idem

(*a*) the power to prohibit smoking;

(*b*) the power to inspect at any reasonable time those parts of buildings or structures and those vehicles to which a by-law passed under subsection 1 applies.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. The short title of this Act is *The City of Mississauga Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
City of Mississauga

1st Reading

November 16th, 1978

2nd Reading

November 30th, 1978

3rd Reading

November 30th, 1978

MR. KENNEDY

1978

BILL Pr43

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting Sudbury Young Women's Christian Association

MR. GERMA

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr43 **1978**

An Act respecting Sudbury Young Women's Christian Association

WHEREAS Sudbury Young Women's Christian Association, hereinafter called the Association, was incorporated by special legislation passed by the Legislative Assembly of the Province of Ontario entitled *The Sudbury Young Women's Christian Association Act, 1958*; that pursuant to the said Act the Association's land was exempted from taxation but only when such land was owned, occupied and used solely by the Association; and whereas the Association is presently leasing premises which it occupies and uses for the purposes of the Association; and whereas The Corporation of the City of Sudbury, hereinafter called the Corporation, hereby represents that it is desirable to continue the exemption from taxation for the land of the Association whether it is owned or leased provided that it is used for the purposes of the Association; and whereas the Corporation hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble 1958, c. 156

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Sudbury Young Women's Christian Association Act, 1958*, being chapter 156, is repealed and the following substituted therefor: 1958, c. 156, s. 8, re-enacted

8. The council of The Corporation of the City of Sudbury may pass by-laws, exempting from taxes for municipal or school purposes or both, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Association, provided that the land is owned and used or occupied and used solely by and for the purposes of the Association, on such conditions as may be set out in the by-law. Exemption from taxation R.S.O. 1970, c. 32

2. This Act shall be deemed to have come into force on the 1st day of January, 1978. Commencement

3. The short title of this Act is *The Sudbury Young Women's Christian Association Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 24 1978

Rodney Lewis

An Act respecting
Sudbury Young Women's Christian
Association

1st Reading

October 26th, 1978

2nd Reading

November 23rd, 1978

3rd Reading

November 23rd, 1978

Mr. Germa

BILL Pr44

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting The Corporation of the Town of Whitchurch-Stouffville

MR. HODGSON

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr44 **1978**

An Act respecting The Corporation of the Town of Whitchurch-Stouffville

WHEREAS The Corporation of the Town of Whitchurch-Stouffville, herein called the Corporation, hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation is authorized to pay any judgment, costs and legal expenses against or incurred by Gordon Ratcliff, including the payment of any sum required in connection with the settlement of the action, arising out of or as a result of any action or proceeding which, in the opinion of the council, affects or might affect him and has arisen out of his duties with the Corporation. Indemnification for legal expenses of Gordon Ratcliff

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Town of Whitchurch-Stouffville Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1978

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting The Corporation of the Town of Whitchurch-Stouffville

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1st Reading

December 7th, 1978

2nd Reading

December 13th, 1978

3rd Reading

December 13th, 1978

Mr. Hodgson

BILL Pr45 1st rdg. 2nd rdg. 3rd rdg.

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Reg. Booth & Son Limited

MR. EAKINS

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr45 **1978**

An Act to revive Reg. Booth & Son Limited

WHEREAS Reginald Booth and Donald W. Booth hereby represent that Reg. Booth & Son Limited, herein called the Corporation, was incorporated by letters patent dated the 31st day of May, 1957; that the Minister of Consumer and Commercial Relations, by order dated the 27th day of March, 1974 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared it to be dissolved on the 1st day of May, 1974; that the applicants were two of the three directors of the Corporation and the holders of the majority of the shares in the Corporation at the time of the dissolution; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned real property and that the Corporation at the time of its dissolution was carrying on active business and since that time active business has continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Reg. Booth & Son Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. Reg. Booth & Son Limited revived

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The Reg. Booth & Son Limited Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 24 1978

Robert Lee

An Act to revive Reg. Booth
& Son Limited

1st Reading

October 26th, 1978

2nd Reading

November 23rd, 1978

3rd Reading

November 23rd, 1978

Mr. Eakins

1978

BILL Pr46 1st rd. in Leg. Leg. Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the Capuchins of Central Canada

MR. JOHNSON

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr46 **1978**

An Act respecting the Capuchins of Central Canada

WHEREAS Capuchins of Central Canada, herein called the corporation, hereby represents that Capuchin Fathers of the Belgian Province in Canada were incorporated by *The Capuchin Fathers of the Belgian Province in Canada Act, 1944*, being chapter 73; that the name of the corporation was changed to Capuchins of Central Canada by supplementary letters patent dated the 7th day of October, 1977; that the corporation requires an amendment to the said Act so that the corporation may exercise its powers beyond the boundaries of Ontario; that the corporation also wishes to repeal section 8 of the said Act; that the said section 8 provides that "The annual rental value of the real estate held by or in trust for the corporation, excepting such property as is necessary for the actual carrying on of the work of the corporation, shall not exceed fifteen thousand dollars."; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application; Preamble 1944, c. 73

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Capuchin Fathers of the Belgian Province in Canada Act, 1944*, being chapter 73, is repealed. s. 8, repealed

2. Clause *a* of section 9 of the said Act is amended by striking out "within the Province of Ontario" in the third and fourth lines. s. 9, amended

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is *The Capuchins of Central Canada Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 24, 1978

Roderick Lewis

CLERK

An Act respecting the
Capuchins of Central Canada

1st Reading

November 2nd, 1978

2nd Reading

November 23rd, 1978

3rd Reading

November 23rd, 1978

MR. JOHNSON

BILL Pr47 1st rd. in Leg. Leg. S. Abs

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Five-O Taxi Limited

MR. BRADLEY

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr47 **1978**

An Act to revive Five-O Taxi Limited

WHEREAS William Maroney and Michael Maroney hereby represent that Five-O Taxi Limited, herein called the Corporation, was incorporated by letters patent dated the 11th day of December, 1942; that the Minister of Consumer and Commercial Relations, by order dated the 16th day of May, 1973, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared it to be dissolved on the 20th day of June, 1973; that the applicants were the directors and holders of the common shares of the Corporation at the time of its dissolution; that notice of default in filing annual returns, although sent to each of the applicants as directors, was not received by either of them and neither of them was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since that time; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Five-O Taxi Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. Five-O Taxi Limited revived

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Five-O Taxi Limited Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
Five-O Taxi Limited

1st Reading

November 9th, 1978

2nd Reading

November 30th, 1978

3rd Reading

November 30th, 1978

Mr. Bradley

BILL Pr48

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive The Royal Hotel (Picton) Limited

MR. TAYLOR
(Prince Edward-Lennox)

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr48 **1978**

An Act to revive The Royal Hotel (Picton) Limited

WHEREAS Harvey J. McFarland Jr. and Clara Frederick hereby represent that The Royal Hotel (Picton) Limited, herein called the Corporation, was incorporated by letters patent dated the 3rd day of September, 1953; that the Minister of Consumer and Commercial Relations, by order dated the 27th day of March, 1974, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 1st day of May, 1974; that the applicants were directors and shareholders of the Corporation at the time of its dissolution; that although notice of default in filing annual returns required by subsection 2 of section 251 of *The Business Corporations Act* was sent to each of the persons of record on the files of the Ministry of Consumer and Commercial Relations, through inadvertence the annual returns for the Corporation were not filed nor was an application for the revival of the Corporation made within the time provided by statute; that the Corporation at the time of its dissolution was carrying on the business of a holding company and property continues to be held in the name of the Corporation; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Royal Hotel (Picton) Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date The Royal Hotel (Picton) Limited revived

of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Royal Hotel (Picton) Limited Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 24 1978

CLERK
LEGISLATIVE ASSEMBLY

An Act to revive The Royal Hotel (Picton) Limited

1st Reading

November 9th, 1978

2nd Reading

November 23rd, 1978

3rd Reading

November 23rd, 1978

Mr. Taylor
(Prince Edward-Lennox)

BILL Pr49

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act respecting the Borough of Scarborough

MR. MCCAFFREY

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr49 **1978**

An Act respecting the Borough of Scarborough

WHEREAS The Corporation of the Borough of Scarborough, herein called the Corporation, hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may, by by-law, provide for the granting of a retirement allowance to Edwin Vale Abbott of $18,245.00 payable in four equal annual instalments of $4,561.25 commencing in the year 1979. Retirement allowance

2. A by-law passed under section 1 may provide that in the event of the death of the said Edwin Vale Abbott prior to the making of the final payment, that the said instalments be payable to his surviving spouse. Allowance to surviving spouse

3. For the purposes of subsection 1 of section 293 of *The Municipal Act*, the Corporation shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates of the current year with respect to the granting of the retirement allowance referred to in section 1. Application of R.S.O. 1970, c. 284, s. 293

4. A by-law passed under section 1 does not require the approval of the Ontario Municipal Board. O.M.B. approval not required

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. The short title of this Act is *The Borough of Scarborough Act, 1978*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1978

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Borough of Scarborough

1st Reading

November 21st, 1978

2nd Reading

November 30th, 1978

3rd Reading

November 30th, 1978

MR. MCCAFFREY

1978

BILL Pr50 1st Reading Leg. Leg. Assembly

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revive Homemaster Improvements Limited

MR. MACBETH

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr50 **1978**

An Act to revive Homemaster Improvements Limited

WHEREAS Einar Bjellebo hereby represents that Homemaster Improvements Limited, herein called the Corporation, was incorporated by certificate of incorporation dated the 3rd day of April, 1975; that the Minister of Consumer and Commercial Relations by order dated the 1st day of November, 1977 and made under the authority of section 250 of *The Business Corporations Act* cancelled the certificate of incorporation of the Corporation as of the 30th day of November, 1977 for failure to file a notice under *The Corporations Information Act, 1976* within the time specified in a notice given under section 5 of that Act; that the applicant was the only director and shareholder of the Corporation at the time of its dissolution; that the applicant was not aware that the information notice required by *The Corporations Information Act, 1976* had not been filed and he did not receive notice of the aforesaid hearing held under section 250 of *The Business Corporations Act*; that the Corporation was carrying on active business at the time of its dissolution and active business has continued to be carried on in the name of the Corporation since that time; and whereas the applicant hereby applies for special legislation to revive the Corporation; and whereas it is expedient to grant the application; Preamble R.S.O. 1970, c. 53 1976, c. 66

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Homemaster Improvements Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by certificate of incorporation, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. Homemaster Improvements Limited revived

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Homemaster Improvements Limited Act, 1978.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1978

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
Homemaster Improvements Limited

1st Reading

November 21st, 1978

2nd Reading

November 30th, 1978

3rd Reading

November 30th, 1978

Mr. MacBeth

1978